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H U N G A R Y:

ITS CONSTITUTION AND ITS CATASTROPHE.

H U N G A R Y:

ITS CONSTITUTION AND ITS CATASTROPHE.

BY ✓ CORVINUS. *psend.*
Sir Francis Jones

~~~~~  
" Non illi nullam esse rempublicam, sed in ea, quæ esset, se esse principes.....  
voluerunt." ~~~~~

CIC.



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## ADVERTISEMENT.

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THE author of this inquiry has been induced to undertake it in consequence of the reiterated declarations in the face of Europe, on the part of the friends and adherents of M. Kossuth, that the Magyar Revolution was a movement in defence of the ancient Constitution of Hungary, and that it failed through the treachery of its principal military chief. The author's observation of events, as they occurred, had led him to an opposite conclusion, which a careful review of the evidence now accessible in official documents from Hungarian sources, and in the published correspondence of the Generals on either side, has fully confirmed. It is hoped that the following pages may serve to dispel a delusion, which it would be mischievous to Hungary itself to seek to perpetuate, as it would be inexcusable towards Europe.

*London, March 20, 1850.*



# CONTENTS.

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|                                                                         | PAGE |
|-------------------------------------------------------------------------|------|
| INTRODUCTION . . . . .                                                  | 9    |
| THE HUNGARIAN CONSTITUTION . . . . .                                    | 12   |
| THE LOCAL ADMINISTRATION OF THE COUNTIES . . . . .                      | 13   |
| THE LAWS OF HUNGARY . . . . .                                           | 25   |
| THE LEGISLATIVE POWER OF THE DIET . . . . .                             | 31   |
| THE PREROGATIVE AND FUNCTIONS OF THE CROWN . . . . .                    | 47   |
| THE MONARCHY AND THE DYNASTIC SUCCESSION . . . . .                      | 52   |
| POLITICAL HISTORY SINCE 1843-4 . . . . .                                | 58   |
| LEGISLATIVE SESSION OF 1847-8 . . . . .                                 | 63   |
| THE CROATIAN MOVEMENT . . . . .                                         | 69   |
| THE REVOLUTION AND ITS PHASES . . . . .                                 | 74   |
| INVASION OF THE AUSTRIAN TERRITORY AND BATTLE OF<br>SCHWECHAT . . . . . | 78   |
| ABDICATION OF FERDINAND AND ACCESSION OF FRANCIS<br>JOSEPH I. . . . .   | 78   |
| DISSENSIONS AMONGST THE HUNGARIAN LEADERS . . . . .                     | 81   |
| DEPOSITION OF THE HOUSE OF HAPSBURG-LORRAINE . . . . .                  | 83   |
| CONCLUSION OF THE WAR . . . . .                                         | 84   |
| THE EUROPEAN QUESTION . . . . .                                         | 89   |



# HUNGARY:

## ITS CONSTITUTION AND ITS CATASTROPHE.

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THERE are few pages in the records of the last two years which are so difficult to decipher, as those which relate to Hungary. It is generally admitted that the Diet of 1847-8 opened under the most favourable auspices; and it is hardly too much to say, that if parties in that Diet had continued to be ruled by the spirit of temperate reform which ushered in its first sittings, the liberties of Hungary would have been enlarged and secured on a firm basis. But a spirit came over that Diet which no administrative reforms could satisfy—a spirit totally at variance with the genius of the Ancient Constitution—which established its ascendancy by abrogating that constitution, and sought to maintain it by sacrificing the monarchy. There can be no greater error than to suppose that the war of 1848-9 was a movement in defence of the time-honoured institutions, which had their roots in the laws of St. Stephen and Andreas II. A careful inquiry reveals two main elements in it, which were antagonistic to each other. In its earliest stage it was substantially a movement against the union between Hungary and the hereditary states of the House of Austria, and so far its spirit was aristocratic and national. But a foreign democratic element disclosed itself after the events of March, 1848, which was not fully developed until the revolutionary government retired from Pesth to Debreczin, when it became predominant in its councils, and gave a distinct character to the subsequent proceedings. The combined presence of these two elements will explain many of the contradictions in the conduct of the leaders, and their apparent versatility in professing at one moment that they were fighting for the

Ancient Constitution ; at another, for the laws of 1848 and the legitimate King Ferdinand V. ; at another, that they were animated with the spirit of the Social and Democratic Republic ; and at last, that the contest was exclusively against the House of Hapsburg-Lorraine. It is not very difficult to perceive the inconsistency of such opposite statements ; but it is not easy to understand how utterly irreconcilable the first and most plausible assertion was with the facts of the case, without some acquaintance with the Ancient Hungarian Constitution, which was perhaps more peculiar in itself, and more curiously interesting than its elder sister, the far-famed British constitution—that standing enigma to centralist statesmen. Such an assertion was specially adapted to conciliate the sympathies of England ; and it might have prevailed in the absence of more complete information, had not the striking fact of the party of the Mountain, in the French Chamber, supporting heartily the cause of the Hungarian insurrection, been calculated to awaken suspicion. No order of things was ever more at variance with the principles of the Social and Democratic Republic than the Ancient Constitution of Hungary. It is therefore excusable for those who are interested in the progress of rational freedom, to make inquiry before they pass judgment in this matter ; and if the result of such inquiry should have led them to conclusions at variance with many notions in circulation on the subject, to make such conclusions known, that the truth of them may be more generally appreciated if they are correct, or the error, if they be erroneous, refuted.

It is a bold assumption that the cause of the revolution was the cause of Hungary : it is very questionable whether, even in respect to the Magyar race, those persons who blazoned its name were in any sense its true representatives. This race is described by a recent Swiss traveller, in language which may be paraphrased, as ‘loyal and generous, hospitable to an excess ; but, by the side of these and other manly qualities, exhibiting a dangerous leaning towards an enthusiasm without reflection, and a vivacity without calculation. The Magyar soon becomes warm, and he then gives way to the illusions of his fancy, and, with an ardour peculiar to himself, plunges in pursuit of the strangest chimeras.’ The Magyar spirit still bears the stamp of its early origin : it is



Oriental and Tatár. The civilization of Western Europe has made no impression upon it beyond its surface, and its effects present many features in common with those which have resulted in the Ottoman empire from the infiltration of European ideas since the reign of Selim III., and which do not extend beyond forms and words. One of the most patriotic Magyars, Count Stephen Széchenyi, in his last pamphlet against M. Kossuth, entitled 'The People of the East,' mentions that Hungary has never felt the influence of that civilizing element of the middle ages, the expression of which is found in the institutions of chivalry. The Magyars, it is true, have certain feelings peculiar to themselves and consonant to their institutions, but the Magyar is essentially a despot. It is especially in this particular that the revolutionary element of Western Europe is directly opposed to the national spirit of the Magyar race.

The laws of a nation, it has been well said, form the most instructive portion of its history: in a similar manner its political institutions present the most complete picture of its daily life. It cannot therefore be otherwise than a subject of interest, at a period when so many extemporized state-systems have been rejected as practically worthless, to investigate the peculiarities of that remarkable constitution which has been handed down for eight centuries almost without the slightest change, and the unchangeable character of which bespeaks at once the Eastern origin of the people who have maintained it. It would not be a difficult task to describe in a few pages the leading features of a state where the central element is paramount both in government and administration, such as France, for instance, or Austria, inasmuch as in such cases it is not so much the operation, as the idea, of the system which requires to be delineated. But the anatomical skeleton of a state, whose local institutions constitute the main element of its life, would furnish but an imperfect notion of the play of its limbs and the motion of its parts. The reader is therefore invited to pursue, for a short time, rather an obscure and intricate path, under the assurance that the investigation through which he will be conducted, will furnish him with a safe clue amidst the complicated labyrinth of the later transactions.



## THE HUNGARIAN CONSTITUTION.

It is not unusual to compare the order of things in Hungary with the feudal institutions of Western Europe; but it rather presents an image of antiquity than a counterpart to the reciprocal obligation of the fief; or, if a parallel is to be sought out in the incidents of some existing system, we must turn our eyes to the disposition of landed property in India, where the relations of the zemindar (landholder) to the sovereign and the ryot (cultivator), are closely analogous to those which the nobles of Hungary bear to the king and the peasantry. Hungary, or the Land of the Magyars, consists of the territory which the victorious followers of Duke Arpad shared amongst themselves in the ninth century, after reducing into bondage the agricultural populations of Slavonic and Daco-Roman origin, which were settled in the rich alluvial plain of the Theiss, and on the banks of the Drave and the Danube. The dominant race seems to have distributed itself over this country in definite districts or camps (*castra*), and to have maintained its military organization for two centuries, under seven principal leaders, who were in their turn subordinate to an elective chief of the Arpadian family. The experience of discord, or weakness, or some other inconvenience incident to confederations, recommended in the eleventh century of our era the substitution of the rule of an individual for the existing octarchy; and accordingly Stephen, the representative of Duke Arpad, was elected,—and, concurrently adopting the Christian faith, became at once the King and the Apostle of Hungary. The external sanction of religion was not wanting on this occasion, and the Holy and Apostolic Crown, which St. Stephen received from Pope Silvester II., has continued to be religiously regarded by the Magyars as the emblem of their national sovereignty, and the palladium of the monarchy.

St. Stephen appears to have been the Numa, as Arpad was the Romulus, of Hungary. The subdivision of the country into seven or more jurisdictions had doubtless given rise to a diversity of laws and customs, which it became necessary, on the establishment of the Monarchy, to reduce and digest into one uniform system. Accordingly the Code of St. Stephen was compiled, to which the

assent of the whole nation was pledged in their great assembly at Gran in 1016 A.D., and of which some unimportant fragments are still preserved, the provisions of which may remind the English reader of the *Dom Boc*, or general code of Anglo-Saxon laws, attributed to King Alfred. What was the precise change which the original distribution of the nation into camps now underwent, is much disputed. It may suffice for our present purpose to say, that the early laws in the *Corpus Juris Hungarici* contemplate the dominant race, which constituted the nation in its political sense, as distributed into a certain number of counties (*comitatus*), over each of which a magistrate, nominated by the Crown, presided under the title of *Comes Supremus*. This officer seems to have united in his own person the functions which the Lord-Lieutenant and the Sheriff separately exercise in English counties: he was individually invested with the executive authority of the law, whilst he exercised, collectively with the constituency assembled in their general congregation, an independent administration within the limits of the county. The nomination of the *Comes Supremus* on the part of the Crown has been superseded in thirteen counties by an hereditary tenure of the office;\* but the ancient order of nomination has continued to be observed in the remaining counties of Hungary proper (in number above thirty); as well as in five out of the six counties of Croatia and Slavonia—one of the former being hereditary in the family of Erdödy.

#### THE LOCAL ADMINISTRATION OF THE COUNTIES.

The organization of the *Comitatus* is the fundamental peculiarity of the Hungarian Constitution, and it deserves a careful examination from the student of public law, for its completeness almost neutralizes the influence of the central power, and imparts to the so-called monarchical state somewhat of the character of a confederation. Every noble, then, in the legal phraseology of Hungary, had a right to take part in the deliberations of the

\* This has however ceased in two instances, upon the extinction of the families of Kohary and Illeshazy, like the hereditary Shrievalty of Westmoreland, which is held to have lapsed upon the death of the last Earl of Thanet.

general assembly of the Comitatus within which he was resident; or, to use expressions more familiar to the English reader, the county-constituency consisted originally of the aggregate body of resident nobles, or—as we should term them—gentry, combined with the beneficed clergy, who sat by virtue of their office. The gentry, on the other hand, were chiefly of Magyar extraction, the descendants of the Arpadian warriors who constituted the original landholders; their ranks, however, had from time to time been recruited, as the Crown had the power of granting letters of nobility to individuals of the conquered races. At first, indeed, the grant of nobility seems to have been invariably attended with a grant of land, as a reward of services already performed; but by degrees, as the nobles were the only portion of the population bound to serve the Crown in the field, being the *servientes regis* as distinguished from the villeins (*rustici*), who, on the other hand, were alone liable to taxation, the Crown came to grant simple letters of nobility to individuals, and even to whole communities, of which instances occur in the fifteenth century, as a kind of retainer for military service. Hence a distinction grew up between the *nobilitas donativa* and the *nobilitas armalitia*, and hence, by the side of the rich landholders, we find a proletarian nobility enjoying the same political privileges. Some individuals of the latter class, however, are the pauperized descendants of landholders who have alienated their possessions, and these are popularly known as the One-House Nobles, or Half-Spurs. It would thus not be correct to suppose the nobles of Hungary to be exclusively Magyar, or the Magyars to be invariably noble. Peculiarity of race was not a necessary qualification for receiving letters of nobility, and the ranks of the privileged classes were reinforced both with the children of mixed marriages, and with the children of German or Slavonic parents adopted as heirs by nobles who had no offspring. In the case of mixed marriages, the privileges of a noble father passed as a matter of course to the children, but the privileges of a noble mother could not pass without a licence from the Crown.

A further and more important distinction amongst the nobles was introduced in the sixteenth century, by the creation of the order of Magnates, or titled nobles, who thenceforth occupied a

position in the State corresponding to that which the peer of the realm occupies in England: for although degrees of dignity in connexion with official station existed from the earliest time amongst the body of nobles, yet no dignity was heretofore hereditary. The title of Magnate, however, did not affect the position of the noble *within* the Comitatus, and he still continued to form part of the county-constituency. Meanwhile a new element, unknown to the original constitution, had been infused into the constituencies by the grant, on the part of the Crown, of the privileges of nobility to the Royal Free Towns in their corporate capacity towards the end of the fourteenth century. There are fifty-two of these towns (forty-seven in Hungary Proper, and five in Croatia), though this number may be increased at the pleasure of the Sovereign—subject, however, to the confirmation of their Charters by the Diet—and they count as *individual nobles*, and in this character appear by deputy in the Assembly of the Comitatus, as well as in the Diet of the Kingdom.

A writer whose work has recently issued from the Parisian press under the title of ‘Autriche, Hongrie, et Turquie en 1839-48,’ gives the following account of the political organization of the Comitatus:—

‘The ancient collection of laws, the Tripartitum, declares that the nation, or body politic, is composed exclusively of nobles: accordingly, out of 550,000 nobles, the Magyars count 464,000, which leaves only 86,000, with a proportionately feeble influence, to the Slaves, the Germans, and the Wallachians. It is this corps of about half a million of Magyars, which keeps in check the Austrian government, the Slaves, the Croats, and the Germans, which has gained great legislative advantages over them during the last few years, and has at last openly declared war upon them. The nobles alone have votes in the fifty-five\* counties, and they assemble every third year at a *restauration* to elect† their magistrates and the deputies to the Diet. The first Gespann, or honorary Chief Magistrate, is nominated by the Crown;

\* M. Rey seems to include the three counties of Transylvania in this number.

† The Crown had in theory a direct controlling influence over those elections, as the Constitution originally gave to it a free right of candidature; but this right had been rendered a dead letter by the same decree of the Diet of 1723 which accepted the Pragmatic Sanction, as if the re-eligibility of the local administrative body was at that time held to be a proper counterpoise to an hereditary central power.



but the first and the second Vice-Gespann, the judges of the several districts and their sworn assessors, the notaries, the fiscal, and his assistants, the collectors of taxes, in a word every thing which concerns the administration, the tribunals, and the police, is entirely in the nomination of the nobles. The counties thus form distinct and almost independent governments, varying greatly in population and extent, for some of them count half a million of inhabitants. It is easy to imagine that the state of the roads, the public establishments, and the police, varies considerably in the several counties, according to the caprice or the means of each constituency. This system has preserved the political liberty of the body of nobles: official despotism could not penetrate within it, as it everywhere encountered points of resistance, but the comparison of the miserable state of Hungary with the flourishing condition of the other provinces of the monarchy, proves that the official despotism of an intellectual power is, in a material point of view, more beneficial to a country than the tyranny of a rude body of uneducated nobles.'—p. 123.

The ordinary meetings of the Comitatus were held four times every year, or more frequently if necessary. At these meetings all the local business of the county was discussed and arranged; roads and bridges were ordered to be made, taxes were assessed, contingencies of troops levied in conformity with the vote of the Diet, the salaries of the county officers provided for, and the price of corn and meat—the latter of which was a manorial monopoly—assized. The measures of law which were under consideration before the Diet were there likewise discussed, and instructions framed for the county delegates, and county grievances were debated, and remonstrances to the Diet prepared; and communications instituted with other counties, not merely on local matters of mutual interest, but on the general affairs of the nation. In fact, the sphere of the political action of the county assemblies was so large, that a Hungarian Comitatus would remind a stranger more of a province of the United Netherlands, or a Canton of Switzerland, than an administrative district of a monarchical state—with this remarkable distinction, that the political and municipal privileges were in the hands of a few nobles (*populus*), whilst the political and municipal burdens were borne exclusively by the peasantry (*misera plebs contribuens*).

The privileges of nobles are well summed up by M. Rey, in.

contrast to the burdens of the peasants, although he is not quite correct in regard to the respective values which he assigns to freehold and urbarial lands in the Banat :—

‘ The rights of the nobles were as vast as a privileged race of conquerors could possibly enjoy, for they had all the advantages which the Spartans had over the Helots, with the exception of the obligation of the latter to provide food and clothing for their masters. The noble was inviolable in his person, his goods were not subject to sequestration at the suit of a creditor, nor could he be imprisoned upon any charge : the villein alone could be legally flogged, not so the noble : neither the noble himself nor his servants paid any tax, real or personal, to the king or the counties ; and neither his horses nor his men could be required to work at the roads or the dykes. The peasant alone was the person who paid the tax termed “ domestical,” for the expenses of the Diet and the county administration. The peasant paid the salaries of the schoolmaster, the notary, the priest, the patrol. The peasant constructed and maintained, either with his money or his labour, the roads, bridges, churches, schools, public buildings, dykes, canals ; and it was the peasant and the townsman who drained the marshes, turned the course of rivers, &c. The peasants and the townspeople paid the war-tax and furnished recruits. In addition, the peasant gave up the ninth part of his revenue to his lord, the tenth to the Catholic clergy, fifty-two days’ labour of himself and his team, besides extraordinary services, to his lord ; he supplied at all seasons horses at a nominal price to the officers of the county or their friends, furnished quarters to the soldiers, and yet, under all these burdens he was less bowed down than the peasants of Bohemia or Moravia, or more especially Galicia. The depreciation of land, owing to the burdens imposed upon it, was such, that in the rich Banat, a farm free from all charges was worth 200 florins the arpent, whilst urbarial land, subject to the charges which attached to the peasant, was worth only 30 florins the arpent.’—p. 126.

The connecting link between the central power and the local activity of the Comitatus was the Comes Supremus—the nominee, and, at the same time, the representative of the Crown, who, according to the spirit of the Golden Bull of King Andreas II. (anno 1222), was bound to discharge in person the duties of his office. Now the Bulla Aurea—the Magna Charta, as it has been termed, of the Hungarian nobles—had enacted that, with the exception of the Chief Justice (*Judex Curie Regiæ*), the High Treasurer (*Tavernicorum Regalium Magister*), the Ban of Croatia

and the Lord Chamberlain of the Queen, no functionary should be allowed to hold two appointments; but notwithstanding this, the office of Comes Supremus was, through a series of centuries, united with other dignities, and the duties of it were abandoned for the most part to the Vice-Comes, who was an elective officer and represented the local interests. The Comes Supremus had, it is true, the right of presenting every third year three new candidates to the electors for the office of Vice-Comes; but the same person was always re-eligible, and by Article 56 of the Decree of 1723, the Comes Supremus was positively bound to propose the outgoing Vice-Comes in addition to the three new candidates; so that the same person, if re-elected, might continue to fill the office of Vice-Comes for life. It is obvious, that wherever the repeated re-election of a Viscount coincided with the non-residence of the Count, the local element would tend to encroach upon the central authority. The absence also of the most influential Magnate from his Comitatus would operate like the absence of the great proprietor from an Irish county—it would deprive property and station of their just influence, whilst it would leave the field open to the ambitious activity of inferior persons.

M. Dégérando—whose work, ‘*De l’Esprit Public en Hongrie*,’ may be regarded as the manifesto of the Opposition in the Hungarian chambers before the events of March, 1848—concurs in this view of the practical result:—

‘The Count supreme is generally a great lord who possesses estates in the county, and whose ambition or patriotism induces him to take a part in public affairs. The law constitutes him the representative of the sovereign, but it abandons the civil, political, and judicial administration to the Viscount, whom the congregation elects, and who, in fact, wields all the power. The Count supreme contents himself with appearing on the days of great assemblies, and at receptions and elections. He frequently travels in foreign countries, and whole months pass without those who are under his administration having a glimpse of him. By reason of these circumstances the administration in Hungary has escaped from the hands of the Austrian government, and fallen into those of the country itself—as the county assemblies really administer all affairs. Hence the independence of those Assemblies, the bold speeches of the Electors, and the liberal instructions given to the Deputies.’—p. 253.



The Government could not but be sensible of the inconvenience of the practice, and was anxious to restore the office of Comes Supremus to its ancient efficiency. It accordingly laid it down as a rule, that for the future it should not be accumulated with any other office; but the custom of accumulation had become so inveterate, that many persons denounced this declaration of the Government as an arbitrary proceeding, in total disregard of the language of the 56th article of the decree of 1723, which provided that they should be continually resident in their counties.\*

The Diet itself had for a long time concurred in the views of the Government, and had supported it by remonstrances addressed to the Crown against the absenteeism of the Comites Supremi. It was only of late, when sober notions of constitutional reform were abandoned for the suggestions of an exaggerated patriotism, that a numerous party in the Diet wished to render the Comes Supremus a purely honorary functionary, and to supersede him practically by the Vice-Comes. The Government, on the other hand, being unwilling to put the law into execution against old established dignitaries, and to enforce upon them a reluctant resignation of posts which gave them a seat in the chamber of Magnates, determined to revive the office of 'Administrators of Counties,' which was known of old to the Hungarian constitution. The Vice-Comes was incompetent by law to perform some of the duties attached to the office of Comes Supremus, such as the direction of the triennial elections and the appointment of certain subordinate county-officers; but the Administrator had full power to discharge these functions, and was in this respect the substitute directly contemplated by the constitution to maintain a counterpoise against the political strength of the local element. This measure of administrative reform was put into execution after the Diet of 1844. It must not be denied that the great number of Administrators nominated on this occasion might reasonably

\* Quandoquidem Supremi Comites illorum Comitatum, quibus præficiuntur, moderatores essent, ac tam politicorum et publicorum negotiorum quam etiam justitiæ administrationis curam sibi principaliter commissam haberent; hinc ad præviam suæ Majestatis sacratissimæ benignam resolutionem statuitur, ut observato quoad eorundem officia 36, an. 1536, articulo, nisi in publicis Regis et regni servitiis præpediantur, in Comitatus, quibus præsent, continuo resideant.'

awaken a constitutional jealousy on the part of the Opposition as to the intention of the Government to supersede altogether the Comes Supremus, although the measure was declared to be only a transient arrangement and a temporary consequence of so many Comites Supremi being debarred from active business in their counties by age or infirmity, or some public function which detained them elsewhere. This jealousy, however, was fostered by the extreme party of the Opposition in the Diet, and was inflamed to such a degree that many persons did not hesitate to declare an office to be totally unconstitutional, the existence of which they had themselves witnessed in many parts of the country, *e.g.*, in the counties of Presburg, Trentschin, Semplin, Tschongrad, Eisenburg, &c., and the exercise of which was practically familiar to several leading members of the Opposition in the chamber of Magnates.

There were two other circumstances which must not be overlooked in estimating the importance of this step on the part of the Government, namely, that the electoral body had become most corrupt, and that corrupt elections necessarily entailed a corrupt system of administration on the part of the successful candidates. The Decree of 1723 had laid down the qualifications for county magistrates in such very vague and general terms,\* that it came, by degrees, to be disregarded, and at last custom had abolished all property-qualifications; yet the salaries of the county officers were so insignificant—varying from 80*l.* in the case of the Vice-Comes to 10*l.* in the case of the Jurassor, the lowest member of the magisterial hierarchy—that a needy officer was often driven to illicit sources of gain to secure a maintenance. The evil was enormously increased in later times, when the elections were more fiercely and more unscrupulously contested, and when the office of Vice-Comes had become an object of ambition to the younger members of rich families. It was by no means unusual in later times for an election to cost 20,000 or 30,000 florins—even 100,000 florins has been named as the price of an office,

\* Vice-Comites, alique Comitatum Officiales sint de numero et statu verorum nobilium, *possessionati*, et disinteressa i, ac Dominis terrestribus ejusdem Comitatus nullatenus obligati, qui ad hujus-modi officia, ad sensum Artic. 70, an. 1548, cum consensu totius Comitatus eligantur.'

the tenure of which did not extend beyond the third year, when the ordeal of a new election had to be repeated.\*

Mr. Paget, in his excellent work on Hungary and Transylvania, has not omitted to notice this blot:—

‘The advantages resulting from this system of elected county officers, and their consequent responsibility to public opinion, are so striking that I need not point them out; but some of its disadvantages may be less evident to those unacquainted with Hungary. In the first place, all these officers are elected by the people; and be it recollected that in Hungarian that term excludes the peasantry, and from the short duration of their period of office they are naturally anxious to please those on whom their re-election depends; and they are not therefore likely to be impartial in the administration of justice between electors and non-electors. But there is a still greater evil. From the payment, small as it is, by which these offices are accompanied, a number of needy men have been accustomed to seek them—I allude particularly to the office of Szolga-biro,†—and, from a mistaken kindness on the part of the electors, have not unfrequently succeeded. Now, although this may not prevail in all parts of Hungary—and I have certainly seen Szolga-birok very wealthy and respectable men—yet in others, where the spirit of the institution has been departed from and poor men have been appointed, the consequence has been that their poverty has laid them open to bribery in their quality as judges. To such an extent does this prevail in one part of the country that I have heard the people speak of bribing the Szolga-biro as a matter of course. I remember, in the district to which I allude, a Szolga-biro being pointed out to me as a most extraordinary man, because he administered justice fairly to the peasants without ever accepting even a present from them. This, however, is not altogether a fault of the institution; nothing but

\* In England the sheriff, when not hereditary, was an elective officer before the reign of Edward II., it being a very old custom for the inhabitants of each county (*incolæ territorii*) to choose twelve electors, who nominated three persons, ‘*ex quibus rex unum confirmabat.*’ But these elections becoming tumultuous, the statute 9 Edw. II., st. 2, enacted that the sheriffs should be henceforth assigned by the chancellor, treasurer, and judges, as being persons in whom the same trust might safely be reposed. The City of London retains, by virtue of its charter, the old mode of appointment. In the following reign the elective conservators of the peace in the several counties were superseded by justices of the peace, appointed, according to 34 Edw. III., ch. i., by the king’s special commission under the great seal, as at the present day.

† The Szolga-biro, literally *judex nobilium*, was the district judge. Every county was divided into separate districts, or *processus*, administered by individual judges, the chief of whom in point of order was styled Fo’-Szolga-Biro.

a high state of moral civilization in the country at large can ensure that strict honour in the judge, without which the best of laws can never ensure justice.

*“Nihil prosunt leges sine moribus.”*

Something, perhaps, might be done by rendering the offices honorary, and so excluding the needy from them, or by raising the salary so high as to render its possessor beyond the power of slight temptations; but nothing would be so likely to produce the desired effect as a determination on the part of gentlemen of property and education to undertake the office of magistrate themselves, and so raise it, as with us, to be considered a mark of dignity and honour.—vol. ii. p. 57.

The revival of the office of Administrator excited great dissatisfaction amongst the county-constituencies; and the grievance of the ‘system of *kreishauptmann*’ (chiefs of circles), as it was termed by way of contempt, was the ‘cheval de bataille’ of the Opposition in the Diet of 1847. There was, however, no real resemblance between the hateful *Kreishauptmann* of the Emperor Joseph II., who was all-powerful in his district\* without the congregation, and the Administrator, who was to act precisely in the constitutional sphere which the *Comes Supremus* filled with the county-congregation; but either it was found convenient to represent them as identical, or there was a lamentable mistake on the part of the assailants of the Government. Amongst the foremost and fiercest of these was M. Kossuth, the newly-elected deputy of the *Comitatus* of Pesth, whose speech on the occasion is reported, or rather paraphrased, by M. Dégérando. A portion of it will serve to show the feverish character of the debate:—

‘Up to this time the Count supreme has been a dignitary of the country. The administrator who replaced him has been an officer of the county, nominated and paid by the county. At present it is wished to make of him a sort of French prefect, with this single although essential difference, that he is nominated not by a responsible minister, but by an invisible and intangible chancery, from which he receives secret instructions, to which he makes secret reports, and by which he may be arbitrarily dismissed. Surely such a magistrate under an irre-

\* Joseph II. destroyed the independent organization of the counties themselves, by combining them into ten provinces, over each of which a privy councillor presided, under the title of Commissary.



sponsible ministry bears a singular resemblance to a Bohemian or Galician Kreishauptmann. In addition, this prefect will be largely salaried by the government; he will have under him a body of clerks; he will dispose of the armed force; he will usurp the right of nominating the candidates at elections: he will have in hand, being master of considerable sums of money, ample means of intimidation and corruption: he will, in a word, preside over the tribunals, and the life and fortune of the citizens will hang upon his nod. In good faith can it be said that such a magistrate is still a Hungarian dignitary, like the Count supreme used to be, and is he not rather a true Bohemian *kreishauptmann*, under whom our municipal system, the palladium of our political existence amidst the vicissitudes of a thousand years, will become a faint shadow? In a short time this bastard system will no more resemble our national institutions than the *postulaten landtag* of Galicia recalls to mind in the present day the Diets of the Jagellons.'—p. 258.

M. Kossuth's argument proceeds upon the assumption that the municipal system of the Comitatus would necessarily be affected by any measure which modified its political action; but it is obvious that such an assumption is unwarranted, because the political action of the Comitatus would have been equally modified by the continual presence of the Comes Supremus, who was similarly the nominee of the Crown, and was subject to the same qualifications as the Administrator, yet, no one could reasonably object to the residence of the Comes Supremus. If indeed the presence of the representative of the Crown was really calculated to affect the existing municipal system of the counties, the legitimate inference was, that the existing order of things was not in accordance with the Constitution, inasmuch as the residence of the Count would have been strictly in accordance with the Constitution. But no arrangement which did not affect the constituent body of the Comitatus could affect its municipal system, inasmuch as the restaurations, or county meetings for the election of officers, were by law periodical, and the right of candidature on the part of the Crown was practically rendered nugatory, as already stated, by the Decree of 1723. The Crown, wishing to allay the apprehensions of the more reasonable, went so far as to send down to the Diet of 1847 a declaration expressly to the effect, that the new arrangement was not intended to supersede

the system of governing the counties through Comites Supremi, nor to interfere with their municipal or political privileges, but was *bonâ fide* meant to secure the residence of a constitutional president in each comitat, and thereby maintain the legitimate influence of the Crown. But party spirit had now become so violent, that the moderate section of the Opposition declined to meet the Government on this fair ground, and ultimately made common cause with the extreme party in a blind resistance to the measure altogether.

There was one apparently serious objection to the system of governing the counties by Administrators, which M. Kossuth did not overlook, although he did not lay more stress upon it than upon the ideal grievance of the Administrator's bureau, which consisted in reality of his private secretary. It was that the Administrator could be removed at the pleasure of the Crown, whereas the Comes Supremus could not be removed without a judicial process. Yet the party of M. Kossuth no sooner accomplished the Revolution of March, 1848, than they passed the following law: '*In order to accommodate the system of public administration to the principle of ministerial responsibility, it is enacted, that, with regard to all offices depending upon the nomination of the Government, 1. §, Irremovability without a judicial sentence is restricted to the magistrates who discharge judicial functions.*'—Art. 29, 1848. This step at once furnishes an acknowledgment on the part of the opponents to the King's government in 1847, that they could not carry on the government themselves in 1848 without securing that very dependence of the political chiefs of the counties upon the central power, which they had but the year before denounced as fatal to 'the Palladium of a thousand years.'

One of the most extraordinary powers which the Constitution allowed to the Comitatus was that of disputing the interpretation which the Crown gave to any law, and of suspending within the limits of the county the execution of it. This power of suspension was not restricted by law to any definite time, and it frequently happened that a county refused altogether to obey the ordinances of the central power, and so far stopped the general administration of the kingdom. In fact, the result of this practice was to render the law in many cases inoperative, for—as it frequently devolved

on the Crown to initiate the execution of a law—a county had only to dispute the interpretation which the Government had given to it, in order to elude its execution. Even when a law was clear, it was by no means an unusual practice to neglect it. A striking illustration of this fact occurs in reference to the Article ‘*De nobilibus in fundo contributionali degentibus*’ of the Decree of 1836, which obliged the nobles who were in the possession of lands originally occupied by peasants, and so subject to taxation, to pay certain taxes in respect of such lands. This law continued for ten years to be a dead letter in many of the counties, because the county magistrates were reluctant to disoblige their constituencies by enforcing it, and so endanger their own re-election.

#### THE LAWS OF HUNGARY.

It may be convenient, before we proceed to consider the functions of the central power, to explain the nature of the Hungarian laws. They consisted of the written Decrees of the Diet, and the unwritten customs of the country, the latter being supplemental to the former, and even in some cases modifying most essentially the written law. The customary Law of Hungary (*jus consuetudinarium*) was reduced into writing towards the end of the fifteenth century by Stephen Verböczy (*Werbeuzus*), and his work, the ‘*Tripartitum*,’ without having been expressly sanctioned by the Diet, has come to be considered one of the principal sources of public and private right, although many of the rules laid down by him have been modified by later customs, or indirectly abolished by subsequent decrees. The Decrees themselves of the Diets were not collected before 1584 A.D., when Zachary Mosaczy, Bishop of Neutra, compiled the ‘*Corpus Juris Hungarici*.’ This collection, however, does not contain all the Decrees, inasmuch as several of the original Rolls are missing, or were not forthcoming during the lifetime of Mosaczy. Some of the latter have since been brought to light, having been recovered from the hands of the Turks, but not having been in force for so long a time, are obsolete, and possess merely an historical interest.

The authority which the Hungarian constitution allowed to custom, combined with the ambiguous language of the Decrees



themselves, has tended to make the law a perpetual snare both to the king and to the nobles. The ambiguity of the Decrees has partly resulted from the operation of natural causes, such as the antiquity of the Decrees themselves, the use of a dead language (the Latin), the change of meaning which many terms have undergone in the course of centuries, and a disputative subtlety of interpretation which characterizes the Magyar intellect; but it is partly to be attributed to the contradictory influences of the oligarchic and popular elements, and of the monarchical and aristocratical pretensions, and more especially in later times to the opposing tendencies towards internal independence on the one hand, and on the other towards a closer union with the other states of the Austrian House. These antagonistic elements, being nearly equally balanced, were for the most part soothed into reconciliation with one another by a system of compromise, which satisfied for the moment the exigencies of party strife, but deprived the laws themselves of all value as definite standards of uniform political action. These various circumstances render it almost impossible to ascertain the strict letter of the law upon any question in dispute in Hungary, and therefore in regard to matters of Public Law and Political Right there is no country which requires more dispassionate discussion on the part of her own citizens, and a more cautious judgment on the part of strangers. The same circumstances will account for the embarrassment of the Government and the extravagance of the Opposition, and for the mutual reproaches of illegality and bad faith which have exasperated so unhappily political parties in Hungary since 1825, and have converted the salutary work of Reform into the destructive excesses of a Revolution.

A few remarkable instances may be appropriately cited: first, of the ambiguity of laws; secondly, of the contradiction of laws; and, lastly, of the conflict between laws and customs. By the 13th article of the decree of 1790, which establishes the order of proceeding in the Diet, it was provided, ‘*pertractatis debite propositionibus regis cuncta justa regni gravamina tollantur*,’ without explaining how the terms ‘duly’ and ‘just’ ought to be interpreted. The vagueness of these expressions has furnished matter for perpetual dissension between those who maintained

that the propositions of the Government ought always to have precedence over all other business, and those who contended that if the grievances of the country had not been redressed in the former Diet, the subsequent Diet could not undertake the discussion of the royal propositions. Again there was no law which specifically sanctioned the liberty of the press, or established a censorship over it. Two ancient laws of the sixteenth century spoke of the printing and circulation of Protestant calendars, but did not lay down any general regulation on the subject, and although often cited as leading to the inference that the press was at that time free, did not furnish any decisive evidence of the fact. In 1790, when a standing committee of the Diet was established, under the title of '*Deputatio Regnicolaris*,' to which Mr. Paget alludes in his chapter on the constitution of the Hungarian chambers, in order to review the general circumstances of the country, and to prepare new laws on several subjects, one of the articles of the Diet instructed them to prepare a bill to regulate the liberty of the press (*libertas præli*), whilst another article gave them similar instructions for a bill respecting the censorship (*censura librorum*). No definite decree seems to have been passed as the result of the labours of the Committee on either of these subjects, but the fact of these double instructions being recorded in the Statute Book is appealed to as evidence, on the one hand, of the liberty of the press being an acknowledged right; on the other hand, of the censorship being a recognised institution. In a country where the method of proving the common law was by showing, as in England, that it had been the custom to observe it, it was perfectly impossible to untie this Gordian knot. Further, it was an admitted principle of the Constitution that in the Assembly of the Diet and at the meetings of the *Comitatus* the president should regard not the mere majority of votes, but the weight of the votes. '*Vota non numerantur, sed ponderantur*' was an admitted axiom of ancient writers on Hungarian public law. It was also specifically provided by a law of Wladislaw II. art. 25, a°. 1495, that in all cases where the assembly was not unanimous, '*sanioris partis ratio haberetur*,' and the *Tripartitum* (*pars iii. tit. ii.*) supplied the rule according to which the comparison should be instituted: '*Sanior autem et potior pars illa*'

dicitur, in quâ dignitate et scientiâ fuerint præstantiores atque notabiliores.' Yet notwithstanding the law spoke decisively on this point, a custom had grown up since 1820, first in the restaurations for the elections of the magistrates of the Comitatus, then in the county-congregations, where the ordinary business of administration was discussed, afterwards in the Lower House of the Diet, and, finally, in the Upper House, for the mere majority of votes to be regarded as decisive ; and in this manner the ancient spirit of the Hungarian constitution, as it were, evaporated. In the interval between 1820 and 1825 some excesses having taken place at the elections of the county-officers, the Emperor Francis, not keeping in mind the distinction which the Constitution recognised between political and private rights, and misled by the text of a law which established perfect equality amongst the nobles in regard to private rights, issued an ordinance that whenever a diversity of opinion prevailed, a formal division should take place. The Diet of 1827 declared by an address to the Crown that this ordinance, which gave the power of deciding to the mere majority of numbers, was in direct contradiction to the law of the 'Vota Saniora,' and prayed that the royal ordinance should be abrogated : yet a few years later the democratic element of the constituency, represented by the inferior nobles, had become so strong, and the modern custom had been so generally received, that whenever a president decided either in the Comitatus or in the Diet according to the 'Vota Saniora,' and not according to the mere majority of numbers, he was assailed with charges of violating the law and exercising arbitrary authority. The custom has thus gradually become established, and has at last totally superseded the written law.

The decree of 1723, to which a more special reference will be made below, speaks of the provinces and kingdoms belonging to the crown of Hungary still to be recovered (*recuperanda*). One interpretation of the strange feat, which concludes the ceremonial of the coronation of the kings of Hungary, accords with this idea : namely, that when the king gallops up to the summit of the Königsberg, and brandishes his sword towards the four quarters of the globe, he intimates his resolution to recover the ancient provinces of the crown of Hungary. This political idea has its

counterpart in civil matters, in the perpetual right of redemption (*jus aviticitatis*), which vests in the descendants of every proprietor who is obliged by circumstances to sell his estates. This right of redemption, however, may be barred by a prescription of thirty-two years; but such a prescription cannot be established, if any heir to the reversion should have entered a protest before the expiration of that term at any of the *loci credibiles*, or privileged archives of registration. A protest, for instance, against the title of the proprietor of an estate in the north of Hungary, *e.g.* in the county of Saros, may be registered in the archives of the Convent of Martinsberg, in the county of Raab, or in those of the Chapter of Fünfkirken, in the county of Baranya. Supposing, therefore, that the Count Szirmay or the Count Klobusitzky should wish to sell an estate in Saros, each being a large proprietor in that county, it would be necessary for the purchaser to search the archives of all the ecclesiastical chapters throughout Hungary, in case any protest should have been entered against the Count's title within the last thirty-two years, before he could be secure against a law-suit on the part of some outstanding claimant. An extreme case will best serve to illustrate the great practical inconvenience of this institution. Two cousins-german may have commenced a suit against each other concerning the right of succession to an estate under a will. After this suit has been in progress for several years a third party may intervene, and set up a claim of right prior to that of the testator, alleging that he represents a party who had a reversionary interest in the estate when it was purchased by the testator or his ancestors, and that the succession has been kept open by repeated renewals of a protest. A new suit may thus become engrafted on the original suit; and after this new question has been litigated for several years, a fourth party may step in and impeach the title of the intervener, on the ground that he represents a family to which the estate was originally granted, and which had not really become extinct, when the Crown took it as an escheat to the exchequer upon the supposed failure of heirs, and that the subsequent grant to the ancestor of the intervener is bad at law, as the earlier ancestral title has been kept alive by repeatedly renewed protests. At this stage of the suit, after two successive questions have been



uselessly litigated for twenty or thirty years, it is competent for one of the original parties to acquire possession of this more ancient title by purchase, or marriage, or some compromise, and so defeat not only his original adversary, whose title under the will may have been clearer than his own, but also the intervener, who may have had an excellent title against both the original parties.

These suits of 'recovery' (*redintegratio aviticitatis*) were fortunately checked by the necessity of a claimant under ancestral right refunding to the intermediate possessor his purchase-money, together with the ameliorations. Hence the proverb '*bona solutio optima conditio*'—a good payment is the best title; and Mr. Paget observes that the sum commonly entered in the title-deeds was the double of that really given.

It can be easily imagined that suits of this kind might extend to such a length that the delays of the Court of Chancery, even in its most palmy days, would not bear a comparison with the proceedings in a Hungarian '*processus juris*.' As so many local registers had to be searched, this circumstance alone caused great delay in procuring the necessary documents, and it was by no means unusual for a suit, in which merely the title to an estate was disputed, to last for half a century, or even longer. There is, for instance, at this moment a suit between the Crown and the Esterházy family with regard to the estate of Vaida-Hunyad, in Transylvania, into which several intricate questions of law have been imported, which has lasted nearly a century, and is not likely to be speedily determined.

There is a well-known story of an Austrian officer paying a visit in the autumn to an Hungarian gentleman at his residence in a very retired part of the country, and commiserating him on the apparent absence of all rational amusement to beguile the dreariness of the approaching winter; whereupon his host replied, with the usual Hungarian apostrophe '*Uram* (Sir), you never made a greater mistake: I shall have abundance of amusement; I have at least twenty law-suits, and they will keep me fully occupied all the winters of my life.' The luxuries of the law were thus nowhere more highly relished than in Hungary; and it was, strange to say, regarded as a 'feather in the cap' of a petty noble

to have a law-suit, as it furnished evidence of the antiquity of his family and the importance of his ancestral connexions. Scotch cousinship itself is outdone by the extent to which the ties of family are recognised in Hungary, as keeping up the link of the common reversionary interest of co-heirs (*condividentes*), which no lapse of time can destroy, provided only a *cautela* is appositely interposed.

Another remarkable institution in Hungary was the *processus repulsionis*, which is so peculiar that the authority of M. Demian may be invoked to describe it:—

‘ Pour bien l’entendre, il faut savoir que quand le juge se rend chez une partie pour mettre à exécution une sentence prononcée contre elle, la partie déclare ordinairement, qu’elle s’oppose à cette exécution. Le juge est obligé de se retirer, et l’on recommence alors un autre procès pour prouver les raisons qu’on a eues de former opposition.’

It is true that this right of repelling a judicial sentence was confined to proceedings which originated in the Supreme Court (*Tabula Regia*), and that it was substantially a right of appeal exercised in a rude and primitive way; but it very often degenerated into contempt for the law, and it was obviously regulated in an unskilful and dangerous manner. By sanctioning a direct opposition to the execution of the law, it positively defeated one of the great objects for which courts of law have been instituted.

### THE LEGISLATIVE POWER OF THE DIET.

Let us now proceed to consider the nature of the central power. The Diet of Hungary, in the olden time, was the muster in arms of the whole Hungarian nation (*exercitus vocatus*). Its origin is described in the *Tripartitum* as coeval with the earliest distribution of the conquered lands amongst the followers of Duke Arpad, who were bound, on a signal being sent round to their camps, to assemble in arms at a given place, under pain of forfeiting their freedom. This signal was a sword stained with blood, which, like the Fiery Cross of the Scottish Gael, often made its circuit; and Verböczy attributes the fact of Magyars being found in a state of villeinage, to their ancestors having forfeited their privileges before the reign of St. Stephen. ‘ Nam

statutum et sancitum erat, ut transgressores ejuscemodi mandati, nisi rationabilem assignarent excusationem, cultro media per viscera scinderentur, aut communem et perpetuam in servitutem redigerentur. Haec sanctio plurimos Hungarorum (ut præferatur) plebeiae perhibetur effecisse conditionis.' Part i. tit. iii.—This provision of the early law gave rise most probably to the custom of the absent magnates appearing at the Diet by a messenger (nuntius), who was not a proxy (procurator) in the sense in which the word is applied in the House of Lords at Westminster, but rather the bearer of an excuse in behalf of the absentee.

As might be supposed, the Great Congregation of the Hungarian nation assembled in the open air, and the plain of the Rakós, near Pesth, was its favourite Champ de Mars. Its form has undergone many modifications, but historians do not agree as to the time or the occasion of them. We read in early times of so-called deliberative assemblies of 80,000 armed men, who decided all questions by acclamation; which circumstance may serve to account for the vague language of the Decrees, which have the character rather of resolutions than of laws. As the nation increased in numbers the personal attendance of all its members came to be dispensed with, until at last the chief nobles or magnates and the higher clergy were exclusively required to attend in person, the inferior nobles and clergy being allowed to appear by delegates, elected by the corporations of the several counties and by the chapters.

It is not unusual to speak of the Hungarian Diet as consisting of two Houses, each in its turn consisting of two Estates—the Upper House comprising the prelates and magnates, the Lower the delegates of the counties and those of the free towns;—but these expressions, though legally correct, are calculated to mislead the reader who is only conversant with the institutions of France or Great Britain, according to which the word 'Estate' signifies a distinct political condition of life, and the division into two Houses is a substantial division of the Parliament. In Hungary, on the contrary, there was, strictly speaking, only one Estate, that of nobility—the clergy being noble by their office, the magnates and others by hereditary right, and the free towns by a fiction of law—and the two



Chambers, in all cases where a difference of opinion arose between them, resolved themselves into one House. Feszler, the most distinguished writer on the constitutional history of Hungary, refers this division of the Diet into two Houses, or, as they are strictly termed, Boards, *e.g.* the *Tabula Procerum* or *Ordinum*, and the *Tabula Statuum*, to the reign of Ferdinand I., anno 1562, others to that of Wladislaw II., anno 1493. Convenience most probably at first suggested an alteration, to which custom had given its sanction before the end of the 16th century, inasmuch as the law of 1608, by which the Diet was regulated down to the events of March, 1848, recognises the Council of Prelates and Magnates as sitting apart from the *Regnicolæ* or Commons.

As the sources of Hungarian law are not readily accessible, the Decree which embodies the constitution of the Diet is subjoined, in the form in which it occurs amongst the laws of Matthias II. in the *Corpus Juris Hungarici*.\*

\* ‘Statuitur ad omnes inæqualitates tollendas quinam sub nomine Statuum et Ordinum veniant et ad Comitia per regales (letters of summons) vocari ac vota habere debeant.

‘§ 2. Cum Status et ordines ex quatuor conditionatis regnicolis, nempe Prælatiis, Baronibus seu Magnatibus, Nobilibus, Liberis et Regiis Civitatibus constant—

‘§ 3. Ideo Regnicolæ decernunt, ne Sua Majestas præter hos ordines quempiam ad Generalem Regni diætam evocet.

‘§ 4. Prælatorum autem Statum esse volunt Episcopos capitulum cum Præposito habentes; ex tunc Episcopus in conventu Dominorum Prælatorum, et Baronum, Præpositus una cum capitulo inter regnicolas (the Lower House) unam et conjunctam vocem, habeat.

‘§ 5. Præpositi, qui nulli immediate Episcopatu subsunt, cum capitulo æque conjunctam vocem habeant.

‘§ 6. Præpositi et abbates insulati, qui jura possessionaria in regno tenent, inter regnicolas vocem unam habeant.

‘§ 7. Generalis Ordinis Divi Pauli unam vocem habeat.

‘§ 8. Universi Magnates et Barones præsentés in cœtu Prælatorum, Baronum, et Magnatum suum locum et sua vota habeant.

‘§ 9. Absentium nuntiis inter regnicolas locus et dignitas et vota ipsorum, more antiquitus consueto, post Comitatum nuntios et Capitula tribuetur.

‘§ 10. Liberas Civitates (quæ juxta Vladislai Regis decretum vii. Articulum 3 ordine recensentur) quod concernit, ut eæ quoque in suis privilegiis et numero Statuum et Ordinum conserventur, dignum judicant regnicolæ, quarum nuntii inter regnicolas locum et vota habeant dignum censent regnicolæ.

‘§ 11. Reliquarum Liberarum Regiarum Civitatum Status, rejicitur ad emendationem Decretorum.

‘§ 12. Præter hos ne alii (demptis illis, qui publicis regni officiis funguntur, utpote consiliarii nobiles, judices regni ordinarii, eorum vices gerentes, Protonotarii et jurati Tabulæ suæ Majestatis assessores), ad comitia generalia adhibeantur, decretum est.’

If this Decree be carefully examined, it will be evident that its object was to restrain the crown from enlarging the constituency, as it had attempted to do by extending the electoral franchise to the corporations of free towns, which were royal peculiars. It contained no substitution of a representative for a direct system of common deliberation, inasmuch as the nuntii or delegates of the counties and other corporate bodies were furnished by their constituencies with instructions, from which they were not at liberty to depart. They were mere mandatories, like the deputies of the Swiss cantons, and their business was really to announce the results of the deliberations of the constituencies, and to maintain them before the Diet. Such an arrangement might be well adapted to protect the interests of the particular localities, but it was ill calculated to advance the welfare of the commonwealth, for the instructions of the counties often clashed with one another, and local views were naturally narrow views. Besides the delegates were not merely furnished with general instructions upon their election, but during the sitting of the Diet they corresponded constantly with their constituencies, who forthwith deliberated upon the measures announced to them as likely to be brought forward, and framed supplementary instructions, any deviation from which was certain to entail the recall of the delegates. The congregations of the counties meanwhile played a part in relation to the Diet, very analogous to that which the political clubs of Paris filled in regard to the National Assembly. They were the real centres of deliberation, and every question of importance was decided by the counties before it came to be debated in the Diet. The debates of the delegates were thus mere declamations, without any practical bearing upon the decision of a question, and the Lower House was not so much a national council-chamber as a record-office, where the votes of fifty-two local Diets were registered.

The constitution of the Lower House further presented more anomalies and inconsistencies than any existing institution of a like nature. According to the spirit of the law of 1608 all its members, with the exception of the delegates of certain free towns which had been incorporated subsequently to the reign of Wladislaw II., were severally entitled to votes, and, upon this

supposition, the county delegates would have commanded rather less than a fourth of the votes. For the Lower House was made up of about the following proportions :—98 delegates from the counties of Hungary and of Slavonia ; 2 envoys from Croatia ; 104 delegates from royal free towns ; 2 delegates from the privileged districts of Cumania and Iazygia ; 2 delegates from the Haiduck towns ; 3 from other privileged districts ; 52 delegates from Chapters ; 11 abbots and provosts ; and about 200 delegates of absent magnates and widows of magnates ; to these must be added a few official persons connected with the Chancery and the Chamber of Finance, and 15 members of the High Courts of Justice, which, strange to say, kept judicial holiday, at least up to 1825, during the sittings of the Diet. Had the right of voting been co-extensive with the right of attendance, the members of the Lower House would have very fairly represented all the great interests of the country, inasmuch as the inhabitants of the free towns did not belong to the class of nobles ; but the votes of the delegates of the towns were contested by the delegates of the counties, on the plausible ground that, as a county delegate represented the nobles of an entire county, his vote was entitled to far more weight than that of the delegate of a royal free town, which was only equivalent in law to a single noble ; and further, that the delegates of the towns, being elected by the common councils of the boroughs, were the nominees of close bodies which were under the immediate influence of the Crown. The result was, that after questions in the Lower House came to be settled, not by acclamation as in older times, but by actual division, a single collective vote was all that was allowed to the delegates of 52 free towns. The same measure was dealt out to the delegates of the chapters, while the messengers of the absent magnates and widows were not allowed to vote at all ; so that it resulted practically that the county delegates were masters of every division, and the Diet became the creature of the inferior nobles—a most untoward result, as will be hereafter seen, for the true interests of the country.

The right of convoking and dissolving the Diet rested with the Crown, but it was imperative that a Diet should be summoned once in every three years, somewhere within the kingdom. The

occupation of Pesth by a Turkish Pasha during the sixteenth and seventeenth centuries led to the abandonment of Buda, where the Diet had been usually convoked for some time after it ceased to meet in the plain of the Rakós, and the adoption of Presburg as the legislative capital of Hungary. Of late, since the Crescent has been steadily on the wane, the considerations in favour of Presburg, in respect of its distance from the Turkish frontier and its proximity to Vienna, have materially diminished, and the sittings of the Diet have been transferred once more to Pesth, in compliance with its own prayer.

The business of the two Houses always commenced with the reading of the royal propositions, which used to contain merely a sketch of the subjects which the Crown recommended for discussion. It was not until the session of 1847 that the Crown for the first time brought forward government-bills or projects of law. The members of the Diet thereupon gave in their *gravamina*, which were generally complaints of infringements upon the privileges of the nobles; in fact, the received business of the Diet, when candidly examined, was not so much to make new laws as to maintain the old Magyar customs, and the normal state of both Houses was that of opposition to the king's government. Accordingly, before 1839 there was only one party in the Diet, the party which arrayed itself against the Crown. A committee was then appointed to which the so-called *gravamina* of the constituencies should be referred, in order that the chaff might be winnowed away, and the more serious grievances, selected as *præferentialia*, might be submitted in the Lower House. Mr. Paget, writing in 1838, states that 'the Upper House has at present no power of bringing forward any measure, nor even of proposing amendments to those sent up from below.' The latter statement is not quite correct, as the Journals (Naplo) of the Diets will show; but the former is at variance alike with theory and practice. It fails in theory, inasmuch as the right of petition must have been enjoyed in the great Assembly by the magnates equally as by the inferior nobles; and originally no measures besides those proposed by the Crown could be introduced, except under a fiction of law as petitions. True it is that the Magnates were less full of complaints than the inferior



nobles; and therefore, as it was the invariable practice of the county-delegates to lay a list of grievances before the Crown, so much so that the Diet came to be popularly spoken of as the '*salutare remedium gravaminum*,' the Magnates might seem by desuetude to have forfeited their right of petition, as was in fact maintained by the Lower House. But the right of petition was too important to be given up without a struggle, and the Upper House has accordingly maintained in practice its right to initiate measures. It would have been an inconvenient result had the inferior nobles succeeded in depriving the Magnates of the initiative, as the tax-imposing body would have had still less sympathy than at present with the tax-payers—the latter being for the most part the peasants of the Magnates.

Allusion has been made to the evil tendencies of the encroachments of the inferior nobles on the state. This will be the more intelligible when it is stated that out of a constituency of less than 600,000 nobles, which Hungary possesses, half at least, as far as may be gathered from imperfect statistical data, are paupers! The class of pauper nobles is most abundant in the northern and western counties, in fact in the districts which did not fall into the hands of the Turks. They form a portion of the class which has been already alluded to as the One-House Nobles;\* and the neighbourhood of Stuhlweissenburg, the ancient capital of St. Stephen, furnished a few years ago a remarkable specimen of them:—

'I was wrong,' writes Mr. Paget, 'in saying that there was nothing of interest (at Marton Vászár) save Count Brunswick's house, for a little farther on we observed several villages built under ground, the roof being the only part of the houses visible. We examined some of these burrows, for such they literally were, and found them mere holes cut in the ground, roofed in with straw, and entered by a sloping path, frequently without any other opening than the doorway and chimney, and as filthy and miserable as can well be imagined. What may seem to render the fact more extraordinary is, that one of the villages, we

\* The pauper nobles were nicknamed Plum-trees, as having a house and four plum-trees, Halfspurs, Sandal Nobles (Bottskoros), and, in modern times, Cortès. The origin of this latter term, as of our own party names Whig and Tory, cannot be accurately ascertained, but it is supposed to have come into use between 1820 and 1825, when the Cortès of Spain acquired an European celebrity.

were told, is inhabited entirely by noblemen, that is, by men who possess a small portion of land, pay no taxes to government, and are free from all seigniorial impositions. Let the reader keep this fact in mind, for it serves to show that it is not the amount of taxation which renders men poor and miserable, but the absence of the knowledge and desire of something better, and of the industry and thousand virtues to which that knowledge gives birth. It is but fair to say that I never saw such houses in any other part of Hungary: though I believe, during the Turkish war, a great part of the country was reduced to a similar state.'—vol. i. p. 256.

The inconvenience of such a constituency will be strikingly apparent when we come to consider the cardinal privileges of the nobility, which were founded on the Golden Bull of Andreas II. These were—1. Freedom from personal arrest until after conviction of a crime. 2. Subjection to no judge but their legally crowned king. 3. Perfect immunity from every species of taxation. It was the last of these privileges which rendered the pauper nobles so mischievous an element of the constituency. No abandonment of their privileges could be expected from men whose very existence depended on their maintenance of them. On the other hand, though the Crown had the power of enlarging the constituency by granting letters of nobility to the peasants, there was a paramount obstacle in the way of any systematic use of this power. The crown lost a tax-payer whenever it enfranchised a villein. There was no practical means therefore of recruiting the constituency on any large scale, yet this host of paupers formed the majority in the congregations of the counties, which returned the deputies to the Lower House, elected the county magistrates, and assessed both the general and local taxes upon the peasants. It was the representatives of such a constituency who denied votes to the deputies of the free towns and to the delegates of the chapters, and who contested the right of the Magnates to initiate laws. Let us imagine for a moment the English constitution to have been stereotyped in the mould of Magna Charta with its villeins *regardant*, and villeins *in gross*, and we shall have a state of things not ha so intolerable as the constitution of Hungary exhibited till within the last very few years, and for this single reason, that the relation of the Hun-

garian peasants to the nobles was not a personal, but a corporate relation.

In England, as is well known, villeinage had died away long before it was virtually abolished by the 12th of Charles II., inasmuch as villeinage being a personal relation between individuals, the lord might manumit his villein, or the villein become *ipso facto* enfranchised by the extinction of the family of his lord. Villeinage thus formed no distinct order of the political economy. 'No man,' at least in the fourteenth and fifteenth centuries, as the author of the 'Middle Ages' justly observes, 'was a villein in the eye of the law, unless his master claimed him: to all others he was a freeman, and might acquire, dispose of, or sue for property without impediment.' But in Hungary the *status* of villeinage has continued to be a political condition; and to the last it could only be changed by an act of the Crown, which granted nobility to the individual, or abolished by a decree of the Diet, which enfranchised the class.

It must not, however, be supposed that the condition of the peasant in Hungary was socially so bad as that of the Spartan Helot or the Norman villein, to whom it is not unusual for writers to compare him. The Hungarian peasant was, it is true, a political slave, but he was not a social slave: and there is this great difference to be observed between the serf of modern Europe and the slave, that a sort of tacit contract regulates the relations between the serf and his master, whereas the slave is his master's chattel. The rights of the plebeians are certainly not recognised in the early Hungarian law-books, but the peasants gained in process of time considerable ground on their lords, through the kindness and benevolence of the nobles themselves; and the common law, of which custom was the life in Hungary as in England, by degrees established certain prescriptions in their favour.

The Hungarian peasants were originally attached to the soil (*glebæ ascripti*), but in the early part of the fifteenth century a decree of the Diet declared them to be '*homines liberæ transmissionis*,' and empowered them to transfer themselves from the place where they were born, with the consent of their lord. No further material change in their condition seems to have taken place until the sixteenth century, when the Diet, irritated by the



excesses committed by the peasants who took part in an unsuccessful insurrection under George Dosa,\* the Wat Tyler of Hungary, reduced the entire body to their original condition of unmitigated serfage. The severity of this law was modified by Ferdinand I. and his immediate successors, but it was not until the middle of the eighteenth century that the rights of the peasants were placed on a firm basis by the Urbarium of Maria Theresa. Mr. Paget's account of this celebrated measure, the provisions of which are given by him at large, is perfectly trustworthy:—

‘In the Diet of 1764, the third and last held under Maria Theresa, the grievances of the peasants were most strongly urged on the attention of the nobles, but no ameliorations were obtained: occupied with their own affairs, those of the weaker classes were delayed to some future period. The next year the natural consequences of the agitation of such a question, without any step being made towards its solution, were manifested in a rising of the discontented peasantry in several parts of the country, and in the commission of the usual outrages before the forces of the Government could allay the ferment. Taking advantage of the alarm which these excesses had impressed upon the public mind, the great queen determined, by an act of arbitrary power, herself to apply the remedy to so crying an evil; an act which, if it cannot be defended as strictly constitutional, will never want apologists among the friends of humanity.

‘The result of this determination was the celebrated Urbarium of Maria Theresa, the Magna Charta of the Hungarian peasantry. Partly a formal recognition of established customs, partly a grant of new rights, the importance of which was not at first perceived, this Urbarium, though unsanctioned by the Diet, became virtually, and almost without opposition, the law of the land. After the death of Joseph, when the Diet was again called together, it was adopted provisionally till a more perfect one could be framed, and so it continued till 1835.

‘One of the chief grievances of the peasantry in the time of Maria Theresa was the heavy taxation, to which for some years they had been subject, and for which the almost constant wars in which the empire was engaged during this reign was a sufficient reason. The new Urbarium did not propose to lessen this burden; but under the plea of rendering its pressure less irksome, and at the same time to

\* Baron Eötvös, late Minister of Public Worship, published, in 1846, a very interesting novel on this period, entitled ‘Hungary in the Sixteenth Century.’ His earlier novel, ‘The Village Notary,’ which gives a striking sketch of Hungarian municipal life, is well known.

defend the peasant against the oppression of his lord, it declared him not only at liberty to quit his land when he chose, but conferred on him the right to retain it as long as he pleased, on the fulfilment of certain conditions. To enable him to support the taxation, he was endowed with a kind of joint property in the soil.

‘By this masterstroke of policy, one-half of the land in Hungary was rendered for ever taxable. It is known to the reader that the Hungarian noble pays no direct taxes, and that before this Urbarium the peasant had no right in the land; so that, had it pleased the noble, he could at any time, not indeed have prevented the peasant paying tax, but have deprived him of the power of doing so by retaking the farm into his own occupation. The case, however, was now altered. It was simply declared that the landlord could not deprive the tenant of his land, and that the latter could bequeath it (or its usufruct, to be verbally correct) to his children; so that, in fact, it became partially his property, subject only to certain conditions and restrictions of right.’—vol. i. p. 295.

No further change in the law of landlord and tenant took place until the Diet of 1832-6, when a new Urbarium was proposed by the Crown, and accepted by the Diet, the object of which was to confer on the peasant a kind of ‘tenant-right,’ and to attach the liability of taxation to the property, and not to the person of the cultivator. The peasant was declared henceforth to have the right of buying and selling his investments and ameliorations with the usufruct of his land, subject to some restrictions as to the disposition of his property by will. The principle was now for the first time recognised of making the taxes a *real* charge, instead of a *personal* charge. It was the first step towards the abandonment, on the part of the nobles, of their personal exemption from all taxation; for it was especially provided, that should a noble purchase peasants’ land (or, as it was technically termed, *urbarial* land) it should continue subject to all the burdens of direct taxation to which it had been previously liable—with this exception, that he retained, in his character of nobleman, his hereditary exemption from having soldiers quartered upon him, and from supplying them with forage; to which justice perhaps entitled him, in consideration of his liability to serve the Crown in person in the field, without pay.

In 1839 a new law was passed, giving to the peasant a right of

enfranchising his land by purchasing the fee; but although he was henceforth legally enabled to become a proprietor, the ownership of urbarial land did not carry with it any political rights. From this period there has been always a considerable difference of opinion between parties in the Diet; the advocates of radical reform maintaining the necessity of passing a compulsory law by which the nobles should be obliged to sell the fee simple of their peasant lands at a fixed price, which would have been a measure somewhat analogous to a law for the compulsory enfranchisement of leaseholds in England; whilst the friends of temperate progress have resisted this measure as unjust in principle, as well as uncalled for in practice; there being no evidence before the Diet of the unwillingness of the nobles to enfranchise their peasant-lands at a fair price. The enfranchisement of peasant-lands has accordingly been allowed to follow its natural course,\* until the events of March, 1848, at Presburg, precipitated everything into an abyss. For immediately after these events a measure was proposed in the Lower House of the Diet, in a most unconstitutional manner, *without any instructions from the congregations of the counties*, and passed hastily through the Upper House *at an extraordinary evening sitting*, although the chief of the new cabinet (Count Louis Batthyányi) admitted in the Upper House his own misgivings of the measure.† By this rash law, which violated

\* At the commencement of the session of 1847-48, both Houses had agreed to a committee being appointed to consider the best means of more effectually promoting the general enfranchisement of peasant lands, in other words, the *commutation* of the existing rent payable in labour (the Robot).

† The ninth article of the Diet of 1848, adopting the propositions of the Batthyányi-Kossúth ministry, decrees as follows:—

‘All labour-rents, tithes, and money-payments, in use on the basis of the Urbarium, and similar civil contracts, are for ever abolished after the publication of this law.

‘§ 1. The legislature places the indemnity of the individual proprietors under the shield of the national honour.

‘§ 2. His Majesty will submit to the next Diet, through his Hungarian ministry, a bill with regard to the indemnity to be granted to the proprietors, in such terms that they shall receive from the state the capital of their rents.’

The twelfth article goes on to convert the urbarial rents into a charge upon the public debt.

‘In consequence of labour-rents being abolished, it is enacted—

‘§ 5. The ministry is instantly to issue to the proprietors State-bonds on account, for the value of their property. The Kammeral lands are assigned for the liquidation of the State-bonds; and the ministry is empowered either to con-

the rights of property without securing the political franchise to the peasant, the rents of the Urbarial lands were abolished at one sweep, with a naked promise of compensation to the proprietors. The compensation of course has not been made, but the measure of confiscation is complete.

The decrees of the Diet of 1832-36, which enacted the Urbarium of Francis II., constituted an entirely new epoch in the history of Hungary. It was not merely that it diminished in a material point of view the burdens of the peasant, and abolished many oppressive regulations of a vexatious character, but it gave him a new civil status. Hitherto the peasant had no right of action against his lord: he was subject to the jurisdiction of the *Sedes Dominalis* (court-baron), which could inflict corporeal punishment on a refractory villein. The new Urbarium, however, restricted the jurisdiction of the lord's court to causes between peasant and peasant; and the *Sedes Dominalis Urbarialis* was expressly instituted for hearing all causes between the peasant and his lord, and from this court the lord and his officers are absolutely excluded. The civil enfranchisement of the individual was thus completed, but a preliminary measure of reform was required before the political disabilities of the class could be removed; and this preliminary measure was neither more nor less than the abolition of the Magna Charta of the Hungarian nobles. It was clear, as already stated, that as long as the dearest privilege of the noble or free man (*liber homo*) in Hungary was not

tract a loan on this basis, or to sell a portion of these estates. Inasmuch as these estates will not be sufficient, the other revenues of the country are pledged for the payment of this debt.'

The insufficiency of the Kammeral lands (*i. e.*, the lands vested in the exchequer of the Crown) for the liquidation of the newly-created debt will at once be recognised, when it is stated that the aggregate value of the urbarial rents was estimated at between 200 and 300 millions of florins, whilst the Kammeral revenues were valued at between 40 and 60 millions. The State-bonds would thus have experienced a similar fate with the French *assignats*—they would have been enormously depreciated, and the Cabinet would have had the discredit of initiating a great financial juggle. The obvious operation of this measure, as a bribe to the peasants to support the revolution, might fairly warrant the supposition that the ministry designedly closed its eyes against the economical consequences of it, if its subsequent proposal to the Crown to issue 20 millions of inconvertible paper-florins, as well as the reckless use which M. Kossúth made of his bank-note press, with the sanction of its chief, Count Louis Batthyányi, did not go far to establish the presumption of a very slender acquaintance on its part with the first principles of national finance.



the right of self-taxation, but absolute immunity from all taxation, both local and general, it was impossible for the Crown to ennoble any great number of peasants, as it would have discharged them from their personal obligation to provide the necessary funds for the administration of the country. But the Crown was expressly bound by its coronation-oath to observe all the provisions of the Golden Bull, with the exception of the clause of the 31st article which sanctioned the right of resistance, and from which it had been relieved since 1687, and one of these provisions secured to the whole body of nobles perfect freedom from taxation. *The Crown was thus legally incompetent to propose any reform in regard to taxation: the Nobles alone could originate a measure—*and Count Stephen Széchényi has the merit of leavening public opinion on this subject by his writings, and of conquering the prejudices of his brother nobles by his speeches in the Diet. A Bill passed through both Houses in 1836, by which the legal taxation of the nobles was for the first time acknowledged in the form of a bridge-toll—‘*cuncti et singuli absque ullo discrimine telonium solvere tenentur.*’ It was on this occasion that the aged Chief-Justice, Count Cziraky, could not refrain from shedding tears, as he felt that the ancient glory of the Hungarian nobility had departed with the erection of the suspension-bridge between Buda and Pesth.

No further steps were taken in this direction before the Diet of 1843, with the exception of the measure already alluded to, which transferred the taxes of the peasant from his person to his land. Meanwhile it was necessary to conciliate the constituencies to an act of self-sacrifice, and it is the undeniable merit of the leaders of the new Opposition to have braved the unpopularity of advocating this measure in the counties: M. Deák, for instance, having been elected to a seat in the Lower House as one of the county delegates for Szala, renounced his election rather than obey the instructions of his constituents to oppose all reform on this head. The violence of the Cortès, or pauper nobles, at the elections in 1843, surpassed all that was hitherto on record, and the narrative of M. Rey furnishes, from the annals of the county of Szatmar, a most sanguinary illustration of their excesses:—



‘ At eight o’clock in the morning 140 Cortès enter by a side door the Hall of the Elections, drive away with clubs and pitchforks all who were already assembled there, barricade themselves inside the building, and proceed to the election. Meanwhile the electors arrive from all quarters, and, finding their number soon amount to about 4000, determine to force the doors, and put an end to the intimidation. A conflict ensues, stones fly in all directions, and the persons from inside throwing projectiles, and striking out with their long pitchforks upon the human tide which dashed against the walls, cause a great massacre, carry discouragement into their ranks, and in the end remain masters of the field, with not more than a thousand electors about them. Having then concluded the election, the Report goes on to say, they make a sally, level to the ground with their terrible pitchforks about 180 persons, of whom 30 are corpses, and drive off from the town in triumph in the carts which brought them there. The terror resulting from this day of election, which was decided by 140 assassins against thousands of electors, remained for some time undisturbed ; at last it was declared null and void ; two honourable persons were elected to replace the intruders ; but in going to their post they were exposed to shocking outrages from the same party at Pesth and at Presburg.’— p. 129.

Enough has been said to show that the Decrees of the Diet of 1832-36 constituted a new era in Hungary, and embarked the legislative body upon a course of administrative reforms, which required only time to mature its successful issue. Their effect was to conciliate to the Crown a large section of the old opposition, and the succeeding Diets of 1839 and 1842 witnessed a great modification of political parties in the two Houses. The constitutional reformers henceforth adopted in matters of detail a separate line of action from the radical reformers ; but the leaders on both sides agreed in sanctioning the principle of the nobles being subjected to taxation, though they differed very considerably in the mode of applying the principle. The simplest method was obviously to subject the nobles to all the taxes which the peasants hitherto had exclusively borne, but the most sanguine of the extreme radicals felt that it was impossible to carry such a measure through the county congregations, whose consent was necessary as a preliminary step. They therefore proposed that the nobles should contribute to the county cess (*cassa domestica*), and not to the State taxes. On the other

hand, Count Széchenyi, as well as the leaders of the body of constitutional reformers, which was henceforward distinguished as the Conservative party, advocated the propriety of establishing a new fund \* (*fundus publicus*), for general purposes of national expenditure on railways, schools, &c., the idea of which had been sketched out by Leopold II. in the Diet of 1790. They objected to the plan of subjecting the nobles to the local taxation, on this ground:—Under the existing laws the regulation of the assessment of the local taxes rested with the county congregations, and the execution of it with certain officers, elected by those congregations, who were notoriously partial in their assessment, being affected by similar considerations to those which influenced the administration of justice on the part of the *Szolga-birók*. Custom had hitherto established a check upon any grossly unfair assessment of the peasants, as the Crown, which claimed to exercise a general supervision (*jus supremæ inspectionis*) in behalf of the peasants who had no representatives, had come to exercise a revising power over the county assessments: but the constituencies would never have conceded such a power to the Crown with regard to any new taxes. It remained therefore that the assessment itself should be regulated by the Diet, which voted the amount; and this was the measure which the constitutional party advocated. They wished to leave the local taxes undisturbed, and to create an entirely new fund to be at the disposal of the Diet for national purposes, to be raised exclusively by the nobles. Experience certainly did not recommend any further application of the system which was in operation with respect to the *libera oblata*, or free grants of the nobles to the Crown; the amount of which was fixed by the Diet, but the assessment left to the counties. The *libera oblata* were usually assessed in such a manner that the inferior nobles, whose votes were of importance at the elections, escaped their due burdens, whilst the great proprietors

\* The local taxes, or county cess, amounted to about 350,000*l*. The general taxes, or *contributio militaris*, to about 400,000*l*. The *libera oblata*, or occasional offering of the nobles, sometimes reached 40,000*l*.; for instance, in 1836, for establishing and maintaining a Magyar theatre at Pesth. It was proposed that the new system should commence with a *fundus publicus* of 200,000*l*.

were taxed not in any fixed proportion to the extent of their estates or their revenues, but according to some arbitrary standard in the assessor's mind as to the abstract capacity of a rich proprietor to pay taxes. Such a method of assessment was obviously at variance with the first principles of self-taxation.

### THE PREROGATIVE AND FUNCTIONS OF THE CROWN.

The King, as already seen, exercises the legislative power in conjunction with the Diet; but the supreme executive power is vested in the Sovereign alone. He is the temporal head of the Church, and nominates to all Ecclesiastical dignities, and, although required by the Act of Settlement of 1723 to be a member of the Roman Catholic Church, he exercises a right of supreme inspection over the two Protestant communions, the privileges of which are regulated by the 26th article of the Decree of 1791, as well as over the non-united Greek Church. The Crown further exercises the '*jus placeti*,' in reference to the See of Rome, as no papal bull can enter the realm without the King's pleasure. One of the more peculiar features of the prerogative is the power of keeping open for three years the appointment to vacant bishoprics, and other high ecclesiastical offices; the revenues meanwhile finding their way into the Royal Exchequer. It would appear from an anecdote narrated by Mr. Paget in regard to the estates of the Bishop of Agram, that the Kammeral administration was more popular with the tenants than the Episcopal, inasmuch as the officers of the Exchequer were more accessible to bribes than the bishop's steward. If Mr. Paget's information is to be relied upon, the stewardship of the Kammeral lands was a very different post from the stewardship of the Chiltern Hundreds, although the latter is still considered to be too dangerous a temptation to a member of the House of Commons. The Kammeral administration was in fact a gigantic bureaucratic abuse. All noble lands which fell in to the Crown upon the failure of heirs, vested for a time in the Exchequer until the Crown should grant them out again. All newly conquered lands belonged in like manner to the Crown, so that the greater part of the rich Banat, which was only recovered from the Turks

at the peace of Passarowitz A.D. 1718, was administered in this manner. The knowledge of the corrupt practices of the subordinate officers contributed to paralyse the energies of the superior members of the Hungarian Exchequer to such a degree, that, as they apprehended a job in every suggestion on the part of the stewards, they put a stop to all improvements in their anxiety to prevent malversations. The Government itself has at times proposed to put up the Kammeral estates to sale, as the best means of destroying a corrupt system which they could not control, but the Diet has been averse to the arrangement, and the individuals who have a vested interest in the abuses, have raised so many petty obstacles, that very little progress has been made with the measure. Besides, there were political considerations in the way, as the rights of nobility accompanied the acquisition of Kammeral lands.

The Crown has also the right of granting the franchise by letters of nobility, as well as titles of honour: it likewise grants charters to free towns; but the Diet claims the right of according or refusing votes to the delegates of newly-chartered corporations. Justice is further administered in the King's name, but not very efficiently, as there are no Circuit Judges, and the King's Courts are rather courts of appeal than of original jurisdiction. The Crown is also the fountain of mercy. It has lastly the right of making war and peace, and of corresponding with foreign powers,\* and it may also call out the Insurrection or Militia of the nobles, although it cannot levy the military contribution to pay the standing army† without the consent of the Diet. Some privileges indeed are not enjoyed by the King until he has been crowned

\* It is difficult to understand how Mr. Paget has been led to state that the county congregations have a right of corresponding with foreign powers, of which he cites an instance as having occurred not long since in the case of the king of Bavaria. The counties could correspond with one another, but had no right of diplomatic intercourse with foreign powers, which is one of the attributes of sovereignty. The 101st Article of the Decree of 1723 seems to be decisive against such a power resting with the counties, irrespectively of the fact that the law of nations would not have sanctioned such a practice.

† The 8th Article of the Decree of 1715 recognises the insufficiency of the Insurrection for the ordinary defence of the kingdom, and the necessity of maintaining a standing army—'*validior et regulata militia tum ex nativis, tum externis, pro omni eventu intertenenda.*' This law seems to have laid the foundation of an united imperial and royal army. The Decrees of 1715 and 1723 may be read in Schmauss, '*Corpus Juris Gentium*,' vol. ii.



with the crown of St. Stephen : for instance, he is not entitled to some of the regalia, which embrace the duty on salt, the produce of the mines and the post office, the subsidy of the clergy, &c. ; nor can an uncrowned king make a legal grant of lands, which is one of the many reasons why the Hungarians insist so strongly on the ceremony of coronation.

The executive power of the King was exercised through the Hungarian Chancery, which attended upon his person, and through the Council of the Lieutenant, which sat at Buda. The former was composed of an Aulic Chancellor, one or two Vice-Chancellors, and ten or twelve Aulic Councillors, amongst whom there was always one Bishop of the Roman Catholic Church, the remainder being magnates and nobles. All questions were decided in this council by the majority of votes, as well as in the Council of the Lieutenant of the Kingdom. This latter council, over which the Palatine presided, and which consisted of twenty-two members nominated by the Crown, was the Supreme Council of the Realm of Hungary, and it was regulated by the Decree of 1723, which instituted it. The functions of the Hungarian Chancery at Vienna, in relation to the *Consilium Regium Locum-tenentiale*, were not so much ministerial as secretarial to the King—as the Council at Buda corresponded directly with the Crown, and had the right of remonstrance against any measure of the Chancery which might seem to it to be not warranted by law. It exercised a general administrative superintendence over Hungary by means of ordinances, termed *intimata*, which were addressed to the magistrates of the counties. The Courts of Justice, however, were independent of this Council, as well as the departments of War and Finance.

It was a frequent complaint on the part of the Opposition that the German element was admitted to a share in the councils of the King of Hungary, when it was expressly provided by the eleventh article of the Decree of 1741 that ‘Hungarian affairs should be treated of with Hungarians.’ These complaints had certainly some colour of justice as far as the Hungarian Chamber of Finance was concerned, over which the Aulic Chamber at Vienna sought to maintain a right of superintendence, instead of a right of correspondence, contrary to the 18th article of the Decree of 1715. Again, the administration of the mines in Hungary, which



formed part of the regalia of the Crown, had come to be controlled by the Supreme Council of Mines at Vienna, whereas the Chief Commissioner (Oberst Kammer-Graf) was properly dependent on the Treasury at Buda; but practically this encroachment was attended with no bad consequences, and a sort of formal regularity was maintained in most cases by the Aulic Chamber professing merely to discharge the functions of secretary to the king. In most other respects the complaint was not well founded. The Diet of 1741, which established the law on this subject, had decided by its 11th article that '*Negotia Ungara cum Ungaris tractabuntur; in Aula Ungari consilarii aderunt; ad ipsum etiam Statûs ministerium Sua Majestas nationem Ungaram adhibere dignabitur.*' The Government, on the other hand, seems to have held that as long as the Crown always communicated with the country through the medium of the legal Hungarian channels, it was no real grievance that it sought the best advice from any available source; and further, that an Aulic Council was expressly recognised by the Decree, as well as a Ministry of State common to the other branches of the monarchy, into which Hungarians were declared to be admissible.

It is not proposed on the present occasion to enter any further into the details of the political administration of Hungary.\* But it may be convenient to notice the office of Palatine, the chief dignitary of the kingdom—an anomalous kind of magistrate, and a sort of intermediate power between the king and the people. This institution, although peculiar in its present form to Hungary, was not in its origin singular or confined to that kingdom. However complete the Magyar may imagine the elective rights of his ancestors, it is clear that some fundamental law restrained them to the dynasty of Arpad. There is no adequate reason to suppose that in this respect the Hungarian monarchy differed from that of the Franks in the Merovingian times, or did not observe the same rule with that which was maintained by the Ricos-hombres

\* One of the most complete works upon Hungary is M. Demian's '*Tableau Géographique et Politique des Royaumes de Hongrie, d'Esclavonie, de Croatie, et de la Grande Principauté de Transylvanie,*' translated from the German. It was published in Paris in 1809, so that the statistical facts are superseded, but the general information is still valuable from its accuracy.

of Aragon, and likewise by those of Castile before the twelfth century. 'The reigning family was immutable; but at every vacancy the heir awaited the confirmation of a popular election, whether that were a substantial privilege or a mere ceremony.' Such is the description which the Historian of the Middle Ages gives of the monarchy of the Franks; and the uninterrupted succession of twenty-three sovereigns of the race of Arpad, from St. Stephen to the last male prince of that blood, Andreas III., leads to no other conclusion than that, from the earliest times of the monarchy, the right of election was limited within the reigning family. The observance of such a rule at once accounts for the existence of an elective guardian to the person of the King, who might be a minor, by whose side also stood two elective guardians of the Sacred Crown of St. Stephen (*sacræ regni coronæ conservatores*). The Palatine was in fact the Mayor of the Palace of the Arpadian monarchs before the reign of Andreas II. (anno 1222)—subsequently to which time there seems to have been engrafted on his original functions an authority very similar to that which the Justiciary of Aragon exercised in the latter part of the thirteenth century, as mediator between the King and his barons. From this period a series of Decrees of the Diet have contributed to enlarge the province of the Palatine's action, and the office at last has come to embrace all the functions of sovereignty. In the absence of the King the Palatine is his substitute; in his presence he is a sort of Prime Minister and Mediator between the Crown and the nation. Elected by the nobles out of four candidates nominated by the Crown, and holding his office for life, he is at the same time the President of the Diet, the Speaker of the House of Magnates, the Chairman of the Council of Government, the Chief Judge of the Supreme Septemviral Court, and the Commander-in-chief of the Forces. According to law, this office ought not to remain vacant longer than a year, and it was a subject of just complaint against Maria Theresa and Joseph II., that from 1765 to 1790 the Palatine's office remained vacant, his place being supplied by a Viceroy nominated by the Crown—a functionary unknown to the Hungarian constitution. It was of the last importance to the Crown that the loyalty of the Palatine should be above suspicion, and thus, although any subject

was qualified to fill the office, it was generally conferred on a near relative of the reigning monarch.

### THE MONARCHY AND THE DYNASTIC SUCCESSION.

The history of the monarchy resolves itself into three well-defined periods. The Arpadian, or native period, extends from St. Stephen to Otho of Bavaria, the cousin of Andreas III., the last male prince of the blood of Arpad (A.D. 1000—1308). The mixed period ushers in a French dynasty in the House of Anjou, and concludes with a Slave of the race of the Jagellos (Charles I.—Louis II.). The Austrian period commences with Ferdinand I. (A.D. 1526), and continues uninterrupted to the present time. The reign of Louis the Great (1370-1382) is probably the most splendid epoch of Hungarian history, though the memory of Matthias Corvinus is more dear to the Magyar. Louis had inherited from his father, Charles of Anjou, a patrimonial sceptre extending over Hungary proper, Bosnia, Croatia, Servia, Transylvania, Moldavia, Wallachia, and Bulgaria. This brilliant inheritance determined his uncle, Casimir the Great of Poland, to accomplish the union of the Crowns of Hungary and Poland in the person of his nephew. He accordingly proposed him for election as his successor to the Diet at Cracow, which after much opposition complied at last with his wishes. The result, however, did not realise the fond anticipations of Casimir. He had hoped that his nephew's power would have maintained the independence of the Crown of Poland against the encroachments of the nobles, and the assaults of the military monks of Pomerania; whereas his succession gave origin to those covenants (*pacta conventa*) between the nobles and the candidate for the vacant throne, which have made an elective monarchy a by-word amongst nations, and by the discord which they have entailed, have caused Poland herself to be erased from the catalogue of European states. Hungary, however, had no reason to blame the connexion of the two thrones. She lent her assistance to Poland to reduce her revolted dependency of Red Prussia, and Louis, in acknowledgment of her services, annexed the recovered province to the Crown of St. Stephen. His career of conquest

extended across Europe from Naples to the Crimea; and whilst he himself wielded the honorary sceptre of Jerusalem, the Waywode of Transylvania governed Sicily as his Viceroy. His grateful subjects mourned his death for three years,\* and placed his daughter on the throne under the title of Maria Rex Ungariæ. Their sorrow had in it some foretaste of coming misfortunes, for the Crescent already floated on the walls of Adrianople, and it only needed the torch of civil discord—which soon burnt fiercely in Hungary for two centuries—to light up the path of the Mussulman into the very sanctuary of St. Stephen.

The subsequent part of the mixed period was even more disastrous to Hungary than the Wars of the Two Roses were to England, to which it bears some resemblance, both in the character of its events, and the final solution of its difficulties. A disputed claim to the throne, consequent on the failure of male issue to Louis the Great, gave rise to a long series of internal troubles, which laid Hungary open to the ravages of the Turks. The meteoric career of Matthias Corvinus serves for a moment to illumine this period of darkness and discord; but his successors were feeble and indolent, and the fatal battle of Mohacz, A.D. 1526, placed Hungary at the feet of Solyman the Great. Meanwhile Ferdinand of Austria, the brother-in-law of Louis II. who fell at Mohacz, laid claim to the vacant throne by virtue of various agreements concluded in the years 1463, 1468, 1491, and 1515, between the House of Austria and the Kings of Hungary; but as these agreements had never been sanctioned by the Diet, a party of the nobles declared themselves in favour of a Magyar King in the person of John Zapolya, the Waywode of Transylvania. A civil war thereupon ensued. The Magyar magnate called in the aid of the Turk, and Solyman carried his victorious banners to the gates of Vienna (A.D. 1529). The result of the siege, however, was disastrous to the Turk, and his discomfiture was as complete as that which John Sobieski, the Pole, inflicted in the following century on the Mussulman ally of Tekeli.

Although the agreements between the House of Austria and the Kings of Hungary are to be regarded rather as family-com-

\* Quantum ejus mors Ungaris et sociis mæroris attulerit hinc facile considerari potest, quod annos tres universa Ungaria pullâ veste incessit.—*Bonfinius*, l. x.



pacts than as state-treaties, yet the legal succession of Ferdinand I., as King of Hungary, dates from the death of Louis II., and not from the Diet of 1547, to which some writers refer it. The best evidence of this fact is supplied by the Statute Book. The Decrees of the Diets convoked by Ferdinand in the interval between 1526 and 1547 are all found in the *Corpus Juris*, and the Decree itself of 1547 is explicitly entitled ‘*Decretum Septimum*,’ as comprising the laws of the seventh Diet of his reign. It is in this Decree that we find the first traces of a formal recognition of an hereditary right of succession in the House of Austria, as Article V. Section V. recites expressly: ‘*cum se Status et Ordines regni non solum majestati suæ, sed et suorum hæredum imperio et potestati in omne tempus subdiderint.*’ It would appear from a letter addressed by Cardinal Pazmandy to Ferdinand II., which is preserved amongst the ‘*Literæ Procerum Regni Hungarici*,’ that this Decree was held in his time to restrict the right of election on the part of the Diet to the dynasty of Rodolph of Hapsburg: the House of Lorraine, as is well known, not commingling itself with the House of Hapsburg before the marriage of Maria Theresa with the Emperor Francis I. This limited right of election was subsequently abandoned by the Diet of 1687, when the hereditary succession of the male line of the House of Austria according to primogeniture was definitively established.\*

The order of succession was further extended to the female line in 1723, when the Diet, with the object of securing the perpetual union of the Kingdom of Hungary with the other hereditary states of the House of Austria, adopted the same rule of succession which was received in them, and which had been

\* *Decretum IV. 1687. Status et Ordines Sacrum Josephum in regem unanimiter et faustis acclamationibus coronarunt.*

Art. 2. *Status et Ordines amodo in posterum masculorum Sacræ Cæsareæ-Regiæ Majestatis primogenitum, id ipsum statuentibus, Art. 5, 1547, aliisque superinde exstantibus pro legitimo suo rege et Domino post habituri, et erga præmittendam articulorum diplomaticorum acceptationem seu assecurationem et juramentum in regem coronaturi.*

Art. 3. *In casum defectûs seminis masculini, extunc ejusdem devolvendi regiminis successio, erga præmittendam similem assecurationem, redeat ad semen masculinum Regis Hispaniarum, adeoque duntaxat in defectu hujus, antiqua et vetus approbata consuetudo prærogativaque Statuum et Ordinum in electione regis suum locum habeat.*



formally promulgated in 1713 in the Pragmatic Sanction of Charles VI. This family statute of the House of Hapsburg had become the fundamental law of succession in the hereditary states, where the legislative functions of the Crown were nearly absolute, immediately upon its promulgation; but it required the assent of the co-ordinate legislative powers in Hungary before it could supersede in that kingdom the Act of Settlement of 1687. This assent was formally given by the Decree of the Diet of 1723, which enacted that, on failure of male heirs to his Imperial and Royal Majesty, *'the hereditary right of succession to the Kingdom and Crown of Hungary, and the parts, provinces, and kingdoms pertaining to it, by Divine help already recovered or still to be recovered, should be transferred to the female line of the House of Austria, in the persons successively of the descendants of Charles VI., Joseph I., and Leopold I., respectively Emperors and Kings of Hungary, and their legitimate Roman Catholic successors in the Archduchy of Austria, according to the order of primogeniture established by his Most Sacred Imperial and Royal Majesty in his other hereditary kingdoms and provinces in and beyond Germany, to be ruled and governed, indivisibly and inseparably, alike and together, and jointly with the kingdom of Hungary, and the parts, kingdoms, and provinces annexed to it.'*\*

\* An extract is subjoined from the 2nd Article of the original Decree, which is to be found both in Schmauss, *'Corpus Juris,'* tom. ii., and in Dumont's *'Corps Diplomatique,'* tom. viii. Its construction, as not unusual with the decrees, is not strictly grammatical, but its meaning is obvious:—

*'Quosvis prætereà etiam internos motus, et facillè oriri solita, ipsis Statibus et Ordinibus Regni ab antiquo optimè cognita Interregni mala, sollicitè præcavere cupientes, Majorum suorum laudabilibus exemplis incitati, volentesque erga Sacratissimam Cæsaream et Regiam Majestatem, Dominum Dominum eorum Clementissimum, gratos et fideles semet humillimè exhibere, in defectu Sexûs Masculini Sacratissimæ Cæsareæ et Regiæ Majestatis (quem defectum Deus clementissimè avertere dignetur) Jus hæreditarium succedendi in Hungariæ Regnum, et Coronam, ad eandemque Partes pertinentes, Provincias, et Regna, jam Divino auxilio recuperata, et recuperanda, etiam in Sexum Augustæ Domus suæ Austriacæ fæmineum, primo loco quidem ab ætefata modo Regnante Sacratissima Cæsarea et Regia Majestate, dein in hujus defectu, à Divo olim Josepho, his quoque deficientibus, ex Lumbis Divi olim Leopoldi Imperatorum et Regum Hungariæ descendentes, eorundemque legitimos Romano-Catholicos Successores utriusque Sexûs Austriæ Archiduces, juxta stabilitum per Sacratissimam Cæsaream ac Regiam regnantem Majestatem in aliis quoque suis Regnis et Provinciis hæreditariis, in et extra Germaniam sitis, Primogenituræ Ordinem, Jure et Ordine præmisso, indivisibiliter, ac inseparabiliter, invicem, et in-*

Such was the last act of settlement, which governs the succession to the Crown of Hungary in the present day. It was also expressly recited in the first article of the same decree, that the legitimate heir, according to the law of succession established in the German and other states of the House of Austria, should by the same hereditary right of succession be received and crowned as indefeasible King of Hungary. It seems difficult to understand how, in the face of this decree, which was part of the statute law of the kingdom, the revolutionary government could venture to assert that the throne was *elective* in the same proclamation from Debreczin, in which, with some inconsistency, it declared the House of Hapsburg-Lorraine to have forfeited its *right* to it. It seems still more difficult to assent to the proposition that the *order of succession was changed*, as contended for in the manifesto published in the name of the Hungarian Government, by the abdication of the Emperor-King Ferdinand and the renunciation of his next brother the Archduke Francis Charles in favour of the next heir, his eldest son, Francis Joseph. The general law is clear;\* and there exists no positive law in the Hungarian Statute Book which precludes the King from abdicating the throne. On the contrary, the annals of the Kings of Hungary, as well as those of the House of Hapsburg, supply a precedent in the abdication of Rodolph II. in favour of his brother Matthias II. It is needless to observe that rights of natural succession, which are regulated in the most incontestable manner by positive laws, cannot suffer any diminution by the voluntary waiver on the part of others of prior claims.

But the nature of the political union which was henceforth established between the kingdom of Hungary and the Austrian States, is not so clearly defined as the order of succession to the throne. It would appear from the preamble to the decree, that, whilst it was intended to secure a mutual co-intelligence and

*simul, ac unà cum Regno Hungariæ, et Partibus, Regnis, et Provinciis eidem annexis, hæreditariè possidendis, regendam et gubernandam transferunt, et memoratam Successionem acceptant, taliterque eandem Successionem Fœmineam, in Augusta Domo Austriaca introductam et agnitam (extensis ad eam nunc pro tunc Articulis 2 et 3 anni 1687 et pariter 2 et 3 anni 1715) juxta Ordinem supradictum stabiliunt,* &c.

\* Cf. Grotius de Jure Belli et Pacis, l. ii. c. vii. § 26. An abdicari possit regnum, aut jus succedendi in regnum? Et quin pro se quisque abdicare possit non est dubium.

union against all foreign enemies, as well as domestic foes, the laws and customs of Hungary were not to be set aside—in fact, that a separate administration was to co-exist with a common government. The nature of this union has been exceedingly well explained by Mr. Wheaton in his ‘Elements of International Law:’—

‘The union of the different states composing the Austrian monarchy is a *real* union. The hereditary dominions of the House of Austria, the kingdoms of Hungary and Bohemia, the Lombardo-Venetian kingdom, and other states, are all indissolubly united under the same sceptre, but with distinct fundamental laws and other political institutions.

‘It appears to be an intelligible distinction between such an union as that of the Austrian states and all other unions which are merely *personal* under the same crowned head, that in the case of a *real* union, though the separate sovereignty of each state may still subsist internally in respect to its co-ordinate states, and in respect to the imperial crown, yet the sovereignty of each is merged in the general sovereignty of the empire as to their international relations with foreign powers.’—Part i. book ii. § 18, 2nd edition.

The injudicious attempt of the political Procrustes of the last century, Joseph II., to abolish the local institutions of the counties and to impose an uniform central administrative system, after the French model, upon Hungary in common with all the hereditary states, aroused the constitutional spirit which had gone to sleep during the long reign of Maria-Theresa, and provoked so general an irritation that his successor, Leopold II., found it necessary to allay it by a formal\* recognition of the administrative independence of Hungary. It is not too much to say that, had the reign of this wise prince not been prematurely cut short, Hungary

\* 10 Article, 1790.—‘Sua Majestas agnoscit quod licet successio sexûs fœminei Domûs Austriacæ per Articulum I. et II. anni 1723 in regno Hungariæ, partibusque eidem annexis stabilita, eundem quem in aliis regnis et provinciis in et extra Germaniam sitis juxta stabilitum successionis Ordinem inseparabiliter ac indivisibiliter possidendis, Principem concernat, Hungaria nihilominus cum partibus annexis sit regnum liberum et, relate ad totam regiminis formam, hoc intellectis Dicasteriis [boards of administration] suis, independens, id est nulli alteri regno aut populo obnoxium, sed proprium habens consistentiam et constitutionem, proinde a legitime coronato Hungariæ rege adeoque etiam a Sua Majestate Sacratissima et suis successoribus propriis legibus et consuetudinibus, non vero ad normam aliarum provinciarum, dictantibus id Articulis 3, 1715, item 8 et 11, 1741, regendum et gubernandum.’

would at that time have entered upon an efficient course of legal reforms; for the establishment of the *Deputatio Regnicolaris*, already alluded to, was an acknowledgment on the part of the legislature of its conviction that the nation had outgrown its institutions. But the unexpected demise of Leopold II., and the general troubles of Europe consequent on the catastrophe which befel the elder branch of the Bourbons in 1792, led to the indefinite adjournment in Hungary, as elsewhere, of all measures of internal improvement.

#### POLITICAL HISTORY SINCE 1843-4.

The singular legal customs to which the attention of the reader has been invited, do not seem to have been mere forms of proceeding adopted many centuries ago for their supposed convenience, and stereotyped like the rest of the Hungarian constitution, but they rather represented certain fundamental elements of the Magyar character which pervaded every avenue of political and social life.

‘Hungary,’ writes M. Rey, ‘is pre-eminently the land of discussion and *protests*. The noble, accustomed to keep a jealous watch over the enormous privileges which he enjoys, and to reserve them for a future opportunity in case a superior power should for the moment deprive him of any, makes a continual use of protests. The country inscribes its protests against the King or any other party in the Great Book of Grievances, and awaits for a century the arrival of a propitious day for their redress. The peasant gentleman, on the other hand, uses the magic protest so frequently as to provoke laughter; it is, in fact, his substitute for an oath.’\*

It may be easily conceived, as the vanquished party in Hungary always reserved its rights, that the tyrannical reforms of Joseph II. would find far sterner resistance in Hungary than in any other part of his dominions. In Bohemia the opposition succumbed to him, but in Hungary it ultimately triumphed, for the Hungarian opposition united a national with a political feeling, the expression of which is to be found in the laws of

\* *Cautela* (ovas in Magyar) was the technical term. The Croatian Deputies, in the Hungarian Diet, always concluded their speeches, after 1830, with the words, ‘solemnem interpono cautelam’—I enter a solemn protest.



1790-1. The spirit of resistance to the King's government, which Josephism provoked, was lulled again to sleep during the wars of the French Revolution, or only exhibited itself at intervals on the question of custom-duties in 1802 and 1807, and in the discussions respecting Count Wallis's paper-money in 1811. But it burst forth with redoubled energy in 1825. The neglect of the King's government to convoke a diet during an interval of sixteen years had not merely given occasion to fierce indignation on the part of an aristocracy most jealous of its privileges, but it had indirectly weakened the central power by the inaction which it imposed upon it, whilst the local bodies were in efficient activity.

The Diet of 1825 was a climacteric epoch in Hungarian affairs. From this period the opposition, which had hitherto maintained a defensive attitude, assumed an aggressive character, partly in consequence of the modern revolutionary spirit which pervaded Europe having engrafted itself in Hungary on the anarchical habits of the middle ages; partly by reason of the government observing its ancient official tradition of keeping aloof from the struggles in the Diet, or interfering rather as an arbitrator than a partisan. It overlooked the fact, that in 1825 it had placed in the hands of the opposition the modern weapons of parliamentary warfare, whilst all the means of defence and resistance, which the ancient institutions supplied, continued to be at its disposal.

The false position of the King's government became more evident with each succeeding Diet, and the conviction of its incompetency, as hitherto organised, to meet the difficulties which threatened to attend the session of 1839, led to the formation of a party which, by the course of events, is entitled to be regarded as the Constitutional Party, under the parliamentary leadership of Count Aurel Desewffy, which successfully checked for a time the violent excesses of the Opposition. The main object of this party seems to have been to promote administrative reforms in a strictly legal manner, and to resist all attempts to effect a political separation from the other states of the House of Austria. Accepting the Pragmatic Sanction as a fundamental law, it sought to make the Decree of 1723 a reality, believing that

the independence which it secured was sufficient for the happiness of Hungary, whilst its greatness demanded that it should not be isolated from the rest of Europe. Upon the unexpected death of Count A. Desewffy, the leadership of this party devolved on Count George Apponyi, whose influence with the King's government mainly contributed to procure its assent to two very important and popular laws, respecting the Magyar language, and the liberty of religion, more especially in regard to mixed marriages. It may be here observed, that the suppression of the Latin language, which had been in preparation since 1825, was an event to be expected, not merely because it had been abolished by Joseph II., who, by attempting to impose the German language on Hungary, awakened the nation to the utility of a living language, but also because a dead language must give way to a national idiom, as soon as the national intellect expands itself beyond the circle of ideas which are embraced by the dead language. The objection on this occasion was not so much to the change itself, as to the harsh manner in which it was proposed to effect it, and to the principle of *race* being invoked to determine a question which was strictly political. The appointment of Count G. Apponyi to the office of Vice-Chancellor of the Hungarian Chancery, which took place after this Diet, was the result of the influence which he had acquired with his party, and it was hailed by them as an earnest that the King's government had determined to abandon its ancient bureaucratic routine, and to adopt a *positive policy* in the Chambers. This party, though conservative in its tendency, had not before this time shaken off the deep distrust with which many of its members had been accustomed to scan the measures of the Government, for the King's Government had been for so long a time identified in general opinion with the Austrian System, that resistance to the latter being regarded as a constitutional right entailed a systematic opposition to the former. They were now agreeably surprised to find themselves supported by the King's family-minister, Prince Metternich, who, although not interfering with the Chancellor of Hungary in the details of Government, exerted at times, as Chancellor of Court and State, a control over its general policy. It should not be forgotten, in

criticising the system of government hitherto followed out in Hungary, that it was impossible to govern the country through its parliaments, until there were well-defined parties in the parliament;\* and it is to the credit of Prince Metternich, as a statesman, that he welcomed the first opportunity which presented itself for governing Hungary by its parliament.

As long as the political action of the Diet was confined to the defence of legal privileges and positive rights, and the Crown was merely the fountain of grace and redress, the position of the Palatine and his Council, as an intermediate power, caused no particular inconvenience. But it was far otherwise now, after the Diet had begun to be summoned with regularity, and to exercise the functions of a parliament; and the difficulties of the situation were increased by the personal character of the late Palatine, the Archduke Joseph, who had filled this high office ever since 1796, and who naturally clung to the political traditions of his youth; yet it was necessary that there should be a perfect understanding between the Chancery at Vienna and the Council of the Palatine at Buda, in order that the machinery of government should work smoothly and evenly. The Chancellor at this time was Count Mailath, who had been appointed to his office in the hope that he would have more influence with the Diet than his predecessor, Count Pálffy. He failed, however, to realise this anticipation during 1843-4; and although he had been defended by Count G. Apponyi's party from the vigorous assaults of the Opposition, it was not without difficulty that he acquiesced in the appointment of their leader to the second seat in the Chancery. It was idle, however, for the Chancellor to attempt to work hand-in-hand with a party in the Parliament, unless the Council at Buda, which had the immediate direction of the executive, co-operated with the Chancery. The Palatine at first distrusted the doctrine of parliamentary majorities, and doubted the wisdom of the King's Government initiating measures in the Diet; but he ultimately acceded to the policy of Apponyi,

\* The appointment of Count G. Apponyi marks an epoch in Hungarian history, which may remind the English reader of Lord Danby's administration in the reign of Charles II., when a permanent and compact party was for the first time organized in the House of Commons, and the foundation laid of the present parliamentary system.

and there can be no doubt that, under the circumstances, his death in 1847 was a great misfortune to Hungary, for he united a practical knowledge of the country and the people with much personal authority and influence, and he would have been able to avoid the shoals on which his successor suffered shipwreck.

During the interval of the formation of the party of Count G. Apponyi, the opposition in the Diet had undergone numerous modifications. The old opposition had been essentially aristocratic and national, resting itself upon the privileges of the nobility and the independence of the country. The legislative committees of 1790 and 1825 had prepared the way for certain administrative and judicial reforms, but it was only after Count Stephen Széchenyi had given an impulse to the new order of ideas respecting the *material* advancement of Hungary, that reform, as such, became the vogue. The enthusiasm of the Magyar character now began to lead the opposition astray, and it deviated a little from the legal path in the Diet of 1836; it was not, however, until 1843-4, that revolutionary notions seem to have found acceptance with any number of its members.\* The Diet had ended after a series of stormy debates with but few practical results in the way of legislation: during its sittings, however, the question of the commercial relations between Austria and Hungary had been mooted, and all parties had agreed in the right of the Diet to legislate respecting them. The Government itself, which had not hitherto recognised this right, perceiving the Diet to be unanimous, acceded at once to its views. The agitation was in consequence removed from the benches of the Diet to the platform of the Hall of the Comitát of Pesth, where M. Kossuth, who had not at this time a seat in the Chamber, harangued

\* Considerable light has lately been thrown upon this period by the letters of Count Camille Desewffy, in the Lloyd Journal of Vienna, who has also made public the views of Prince Metternich, as circulated amongst the members and friends of the King's government, under the title of 'Aphoristical Remarks on the State of Hungary at the Conclusion of the Year 1844.' It would appear from these letters that there was a growing conviction in the minds of many of the members of the Diet that a crisis was approaching in which the struggle would be not for reform, but for dominion (*herrschaft*), and that it was necessary at once to organize a strong party, whose policy should seek to reconcile the constitutional liberties of Hungary with the exigencies of the united monarchy.



the members of his 'Society for the Protection of National Industry.' The object of this Association, which was termed the 'Védegyelet' (Protection League), was ostensibly to discourage the consumption of all foreign produce. M. Kossuth seems at this time to have been a disciple of Dr. List, and he employed all his rhetorical skill, which was considerable, in commending that narrow class of economical doctrines to the acceptance of an agricultural population.

The real object, however, of the founders of this Society was to alienate the minds of its members from Austria; and to prevent an amicable arrangement of the commercial relations between that country and Hungary, which might have led to the union of their material interests. At the same time an association of this kind was calculated to serve as a powerful engine for political purposes. It was obvious that the rules of this Society, in an economical point of view, were inconsistent with its professed object of 'Protection,' as its members bound themselves to abstain indiscriminately from the use of all foreign articles, and so substituted 'Prohibition' for Protection. It perished accordingly from its own extravagance, having exposed its members at last to general ridicule. But it had served its turn. The real object of its leaders was betrayed even at its early meetings, when they incautiously appealed to the example of the British Colonies in North America throwing off the yoke of the mother country. The *protective* mask seems since the Revolution to have been not merely dropped, but thrown away, as the friends of M. Kossuth now assert him not only to be, but to have ever been, a free-trader. Their claims, however, to veracity in 1849 can only be admitted at the sacrifice of his claims to honesty in 1844.

#### LEGISLATIVE SESSION OF 1847-8.

The Diet of 1847 opened under great excitement. Many of the ancient chiefs of the opposition, such as M. Klauzál, Minister of Commerce after the revolution, had failed to secure their election; others, like M. Deák, had withdrawn from political life; but a new parliamentary leader had arisen in the person of M.

Kossuth, who was now for the first time returned to the Diet as Deputy for the Comitát of Pesth. M. Kossuth had succeeded in his election chiefly through the influence of Count Louis Batthyányi, who had thrown his weight into the scale against Count Raday, contrary to the advice of many members of the opposition, who dreaded and deprecated the presence in the Diet of the idol of the *young Magyar party*. As M. Kossuth was known to be personally obnoxious to Count Louis Batthyányi, the conduct of the latter was to many of his friends an enigma, and seemed to them only explicable on the supposition that he held all considerations to be secondary to the success of his plans for the overthrow of Count G. Apponyi.

The Session was likely to be an important one. A series of important and highly useful reforms had been enacted by the Diets of 1836 and 1839, and the Government was now prepared to follow them up with several well-considered projects of law on matters of great interest; such as the amendment of the municipal laws, the framing of a new criminal code, the modification of the ancient system of billeting soldiers on the peasants, the regulation of the customs duties, which implied the taxation of the nobles, the commutation of labour-rents, and the revision of the law of *aviticetas*, so as to facilitate the transfer of landed property. The royal propositions on these subjects were heard of with delight, and a prodigious enthusiasm was excited for the moment by the King opening the Diet with a speech in the Magyar language. Aged veterans in parliamentary warfare shed tears of joy, and the young waved their kalpaks in the air; and political enemies embraced one another in ecstasy, and the feeling was universal in the Diet that at last the nationality of Hungary had triumphed. But this spirit soon passed away. The measures of the Government were violently attacked, and although it was evident that there was a majority of *original* instructions to the Deputies of the Lower House favourable to the Government, the Opposition hoped to excite a feeling in the counties which would secure in their favour a majority of the *supplemental* instructions. Hence the vehement speeches of M. Kossuth on the question of ‘administrators of counties,’ to which allusion has been already made. But this, and other subjects of furious debate, which had occupied the

first three months of the session, were at once laid aside on the announcement of the Parisian revolution of February, 1848.

That event produced an immediate exaltation of feeling at Presburg, of which M. Kossuth availed himself to propose to the Diet an address to the Emperor-King, demanding a separate, independent, and responsible ministry for Hungary, liberty of the press, freedom of association, a national guard, and a general representation of the nation, &c. ; in fact, the abolition of the ancient substantial constitution of Hungary, and the substitution in its place of a version of the modern paper-constitutions. It further demanded—with remarkable inconsistency, as it claimed to keep itself aloof from Austrian affairs—that representative institutions should be granted to the other provinces of the Austrian empire. The Chamber of Deputies readily adopted the address, although it contained many propositions contrary to the parliamentary traditions of the Opposition ; but a system of terrorism had been adopted by the armed mob in the galleries which overawed the timid, whilst the careless regarded the address merely as a challenge to the Government, which it would not accept. Széchényi meanwhile endeavoured to bring about a compromise ; but in vain. Apponyi, who had become Chancellor, was disabled by ill health from making an energetic resistance to the address before it came up to the House of Magnates.\* The new Palatine, the Archduke Stephen, the president of the Upper House, counselled concession, and in the midst of the irresolution of the King's government at Presburg, the tidings arrived of the events of March at Vienna. The government of Count Apponyi at once resigned on hearing of the retirement of Prince Metternich, and the address was carried in the House of Magnates.

‘ Hoc fonte derivata clades  
In patriam populumque fluxit.’

The circumstances, under which Prince Metternich retired from affairs, are detailed in a remarkable work upon the Austrian revolution, which has lately appeared at Leipzig under the title of ‘*Genesis der Revolution in Oesterreich in Jahre 1848.*’ The author is now

\* The Chancellor had no seat in the Diet by virtue of his office. This fact amongst others serves to show that the existing constitution was not adapted to the exigencies of parliamentary government.

generally understood to be Count Hartig ; but it was at one time attributed to M. Pippitz, the private secretary to Count Kolowrath. The work is anti-bureaucratic in its spirit, and in that respect the writer would seem to belong to the school of Prince Metternich, rather than to that of Count Kolowrath. It is worthy of remark that the popular notion respecting these two distinguished ministers is singularly at variance with the truth. Whatever may have been the faults of Prince Metternich as a statesman, the last with which he can be reproached is that narrowness of view which often results from long-continued official routine ; whilst the Minister of the Interior, his colleague, was essentially a bureaucrat, although he contrived to escape the reproach of it. On the other hand, the umpire, who held the scales of council, as it were, between the two Prime Ministers, and turned the balance on most occasions in favour of official routine, was the Archduke Louis, on whom the duties of sovereignty had devolved after the death of the Emperor Francis. In a less responsible post the Archduke Louis would have been valued as a man of sterling worth and remarkable intelligence ; but he wanted decision and firmness, and these defects in his personal character, which were common to his brother the Emperor Francis, mainly contributed to produce that torpid condition of the Austrian Government which was the occasion of all its misfortunes.

The author of the 'Genesis' gives almost as graphic an account of the events which led to Prince Metternich's resignation, as Count Sternberg in his 'Royalisten' gives of the events of the 18th of March at Berlin.

The Austrian Estates were to meet in their Diet on the 10th of March, 1848. Copies of M. Kossuth's proposed address had meanwhile found their way to Vienna, and considerable excitement resulted from its circulation in the streets and amongst the students of the University ; but the President of the Diet, Count Montecuccoli, undertook to answer for the tranquillity of Vienna, and the maintenance of public order. The storm, however, continued to collect, and on the 13th, no precautions having been taken against such an event, it burst forth. The Hall of the Diet was stormed by the mob, and a petition drawn up under their dictation to be presented to the Emperor. Amongst other



things the freedom of the press was demanded, and it happened by a singular coincidence, that the news of the Prussian reforms in regard to the Censorship had reached Vienna on the morning of the 13th. The Austrian Censorship, as the author of the 'Genesis' observes, had never fulfilled its end, and it was resolved in the Council not to contest this demand. The Prince Metternich accordingly retired to an adjoining room to draw up a reply to the petition to that effect. His momentary absence was made use of by the leaders of the movement to demand his retirement. They declared in a peremptory tone, that, in order to quiet the people, the Prince Metternich must resign his post:—

‘ Their noise recalled the Prince to the Council Chamber, and he went up to the Archduke in order to ascertain the purport of it. He then learned that his retirement was under consideration. It was a moment which put to the test the strength of his character. To abandon a position in which he had shone for thirty-nine years with the greatest lustre, and during which he had enjoyed the confidence not only of the Imperial family but of almost all the reigning sovereigns of Europe, and in which he had exerted the most decisive influence on the affairs of the world,—to see the clouds of incense with which sincere as well as hypocritical respect had enveloped him, dispersed at a moment,—to reap ingratitude for incessant endeavours to promote the interest of the state and the happiness of its inhabitants—this was calculated to excite such painful feelings in the breast of a grey-haired veteran, that no one could have been surprised if he had been overwhelmed by them. But such was not the case. With unshaken firmness and dignified composure he declared that “the aim of his life had been to toil for the welfare of the monarchy. If it was thought that his remaining at his post would endanger the monarchy, it would be no sacrifice on his part to surrender it.” He thereupon turned round to the Archduke Louis with the announcement that he resigned his post to the Emperor, at the same time that he addressed the most prominent persons of the mixed company which besieged the chamber of the Archduke, in words full of meaning. “I know it will be said, that in retiring from my post I have carried away with me the monarchy. Against such an idea I decidedly protest. Neither myself, nor anybody else, has shoulders broad enough to bear away a State upon them. States only disappear when they betray themselves.”’—pp. 176-7.

The Hungarian deputation, which carried up the address to the Emperor-King at Schönbrunn, returned to Presburg in

triumph, and Count Louis Batthyányi was charged to form an independent Hungarian ministry. His party, however, had not yet given up their efforts to obtain further concessions from the King. They were most desirous to establish separate Ministries of War and Finance, in order to break up the united Austro-Hungarian army, and at the same time to get the control of the public purse. The Crown conceded a separate Ministry of Finance, but it evaded the rest of their prayer by appointing a Minister of Internal Defence, whose functions remained undefined. The Cabinet was at last formed; but it was made up of very heterogeneous elements. Batthyányi and Kossuth were the chiefs of the revolution. Deák, Klauzál, and Eötvös belonged to the old Opposition party. M. Szemere was a man of a decided party position, but had not openly avowed his leaning to the Social and Democratic Republic. Count Széchényi had joined the government with the hopes of acting as a mediator; and through his influence, and from motives very similar, Prince Paul Esterházy, well known in England, accepted the office of attendant Minister on the person of the King.

Nothing, indeed, shows more clearly the distinct character of the later period of the Hungarian revolution than the fate of this ministry. Prince Paul Esterházy tendered his resignation in September, 1848. Count Széchényi became insane on seeing the misfortunes inevitably impending over his country, which he was powerless to avert. Baron Eötvös was obliged for his personal safety to fly from Hungary after the events which ended with the massacre of Count Lamberg; whilst Deák and Klauzál retired into private life, when they became satisfied that M. Kossuth intended to continue the civil war at all hazards, by withdrawing with a section of the Diet to Debreczin. There was one other individual who did not join the ministry at its first formation—M. Mészáros. A Colonel in the army of Radetzky in Italy, he refused at first to accept the post of Minister of Internal Defence, until the Emperor-King expressly commanded him to undertake its duties. During the summer of 1848 he introduced a bill for raising new levies, which was perfectly consistent with the unity of the Austro-Hungarian army; but when that was rejected by the majority of the Lower House, forgetful alike of the first principles of parliamentary government

and of the spirit of the army to which he belonged, he submitted his own sense of duty to the will of the majority, and brought in a new project for establishing a separate Hungarian army. If M. Mészáros had only on this occasion had sufficient firmness to remain true to his own convictions, and retired from office, he would have clearly defined the respective positions of the ministry and the army, and his example would not have led astray so many of his comrades.

### THE CROATIAN MOVEMENT.

It becomes necessary here to discuss briefly a question which by force of circumstances came to exert a great influence over the destinies of Hungary, and which has been exposed to considerable misapprehension as well as to misrepresentation. The Croatian movement had a character of its own perfectly independent of the events of 1848, although it subsequently became mixed up with the general Slavonic movement. The union of the kingdoms of Croatia and Slavonia with the Crown of Hungary had always been of a very anomalous and vague character. The despotic innovations of Joseph II. had forced those States in self-defence to cling closer to Hungary, and the Croatian Executive had in consequence transferred many of its functions to the Council at Buda. But the local Croatian Diet still sat occasionally, although deputies from the three Slavonic counties and the kingdom of Croatia attended the General Diet of Presburg. The course of discussion and legislation in the general Diet subsequently to the year 1825 had produced symptoms of a strong reaction against the Hungarian connexion, both in that provincial assembly and among the Croatian Deputies. The violence of the Magyar propaganda, by which the Magyar language was imposed as the language of the State upon all the nationalities of Hungary, gave rise to a new element of agitation among all the Slavonic races. It ought not to be forgotten that there was a strong religious element originally mixed up in the political question, so that nothing was wanting to embitter the dispute whenever the long-united kingdoms should come openly into collision. The affair of the Türopolyan nobles in 1842 had given great umbrage to the Croatians; and party spirit ran so high in the Diet of 1843-4 at Presburg, that the Ban of Croatia, Count

Haller, exchanged pistol-shots in a duel with Count Ladislas Teleki. The Chancellor meanwhile, Count Mailath, unable to resolve upon any decided course of action, contented himself with issuing fruitless Commissions of Inquiry; and at last the dismissal of Count Haller himself, under the circumstances, tended to aggravate rather than alleviate the difficulties.

The appointment of the Baron von Jellachich as his successor took place *before* the Hungarian Ministry of the 11th of April, 1848, was definitively formed. It was officially announced in the 'Wiener Zeitung' of the 28th of March. This circumstance, as the author of the 'Genesis' (pp. 243-4) observes, disposes of the assertion in the Hungarian Manifesto, that

'this appointment was the first breach of faith that the Austrian Government committed against the Hungarian Ministry, who were not consulted, and whose *counter-signature was necessary to confirm the choice of the Ban*. The appointment of Jellachich was the act of an abolished system.'

The Hungarian Ministry alluded to in this passage had no legal existence at the time of his appointment, and the ancient constitutional system, which *required only the advice of the Palatine to be asked*, was as yet not abolished. The Palatine's advice was in due form asked by the Crown on this occasion, and no objection was ever raised by the Diet or the Ministry at Presburg against the legality of the appointment. It is certainly strange that the Ministry should have remained silent for a whole year, and then for the first time have issued a protest from Paris through the medium of the Leipzig press.

The nomination of Jellachich was a concession to the energetic petitions of the Croatian nation, and his influence was exerted to moderate rather than to exaggerate their demands. The Croatian feeling, however, received a fresh impulse from the events of April at Presburg. It was clear that the abrogation of the ancient order of government in Hungary had opened a wide door for the pretensions of the non-Magyar nationalities, and the Croatian nationality in the person of its Ban gave the greatest disquietude to the new Ministry. Had the Ministry been able and disposed to pursue a temperate policy, affairs might possibly have taken a different turn. But it was evident that a responsible central ministry could not well co-exist with the local self-government



of the counties, and it was consequently determined by the Batthyányi-Kossuth party to set aside the local institutions by a *parliamentary coup d'état*. The Deputies of the Lower House were accordingly worked up to renounce their character of *county-delegates*, and to constitute themselves the *representatives of the nation*. Having assumed this new character, they at once threw over those who had elected them, and proceeded to vote laws without having sought the previous instructions of the constituencies. The wedge being thus let in, the ultra party determined to drive it home. They declared the chief magistrates of the counties to be removable at the pleasure of the government (Art. XXIX.), and whilst they suspended the meetings of the county-congregations for the election of magistrates, they substituted permanent committees for the administration of county business, until the next diet should have made further dispositions (Arts. XVI. and XVII.). It was evident that the political existence of the kingdoms of Croatia and Slavonia and Dalmatia was at an end, if these changes which abrogated their ancient constitution could be effected without their consent having been asked; and the people which refused to submit to Joseph II. was not likely to bow themselves down before M. Kossuth, more particularly after the latter had declared with singular tact and taste in the face of the Croatian deputies, that 'their country was so contemptibly small, that he could swallow it for his breakfast.' The Ban represented the national feeling of his countrymen at the commencement of the revolution; he further represented, as events succeeded each other, the spirit of that military power which Dr. Schütte in his journal of the events of October in Vienna has described as 'so extraordinary, being neither Bohemian, nor Moravian, nor Silesian, nor Croatian, nor Hungarian, nor Italian; but Imperial, Royal, and Austrian: a military which knew no other master or ruler than the monarch whom it had sworn to serve.'

It has been sought to attach a great mystery to the conduct of the Ban during the summer of 1848, and there are writers who have gone so far as to charge him with being the tool of a perfidious Camarilla. If the case had been such as alleged by these writers, the Ban certainly played his part with singularly bad address, for he disavowed all authority from the Emperor

at a moment, when one word in the opposite direction would have secured for him the success which he was not strong enough to master by force of arms. When the Ban crossed the Drave in September, 1848, on his march towards Pesth, several officers of an Hungarian army-corps, which had been dispatched to oppose his progress, came to his quarters and begged him to declare whether he had any orders from the King, as in case that he could satisfy them that he had such authority, although only given to him by word of mouth, they were prepared not to oppose him. The Ban's reply was, 'that he had no orders from the Emperor—that he was acting without any authority from him, and on his own responsibility—but that he believed that he was acting for the true interests of his country and his sovereign, and in conformity to the feelings of the army to which he gloried to belong.' The result was, that the Ban found himself too weak to march upon Pesth, as, by reason of his frank declaration, he was not joined by the regiments which he had expected to flock to his standard; and his admissions on this occasion were further made use of by the Hungarian ministers, and circulated widely in the journals of Pesth, as an argument for opposing the Ban. It is unreasonable for parties, who have had all the benefit from the assumed truth of his confession, to turn round and claim to derive benefit from its supposed falsehood. The Emperor-King was in fact during the summer of 1848 in an exceptional position: he had no power to enforce his wishes—he could only give advice; and it is evident that the Ban considered his sovereign to be under duress, and determined to act upon his own convictions. It is not necessary to seek in the falsehood of individuals on such occasions an explanation of their conduct, when the falseness of their position inevitably entailed an inconsistency of action.

The new laws of 1848, far from bringing an end to the revolution, contained the germs of new troubles. The question was mooted in the Diet on the propriety of granting aid from Hungary to the Emperor against Sardinia. The moderate section of the ministry, Eötvös, Széchenyi, &c., maintained the affirmative; Count Louis Batthyányi inclined to their view; but M. Kossuth was again the evil genius of the Cabinet, and he persuaded his colleagues

not to acknowledge the obligation of the King of Hungary to defend the hereditary States of the House of Austria. Not only was this in direct contravention to the Act of Settlement of 1723,\* but even the laws of April, 1848, Art. III. § 2, had provided that "the unity of the Crown and the links of the union of the Monarchy should be maintained." The spirit of separatism was now rife in the counsels of the ministry, and in the deliberations of the Diet. The latter declared that Hungary would not go to the aid of Austria in case of a conflict with the new Central Power at Francfort; they welcomed with open arms deserters from the regiments in Galicia; and they ultimately recalled the Hungarian regiments which were serving under Radetzky in Italy. Meanwhile the law which had been passed in so unconstitutional a manner for the abolition of labour-rents had stripped the landed proprietors of half their revenue. It was probably thought that this measure of spoliation would enable the vessel of the new State to ride at double anchor, as the immediate interests of the peasants were thereby identified with the cause of the revolution, and the future interests of the nobles might seem to be identified with the support of a ministry which undertook to provide them with a legal compensation.

The circumstances under which this law was passed have been already alluded to in a cursory manner (*supra*, p. 38). They deserve to be narrated. The commutation of the *Robot*, or rent of the urbarial lands, payable by the peasant-tenant in labour, had been under consideration in the Diet, but it was most difficult to devise a legislative substitute for it in a country of which the industry was almost exclusively agricultural, and in which the proprietor of the land was already glutted with produce. M. Szentkirályi, the colleague of M. Kossuth in the deputation of Pesth, determined at last to cut the Gordian knot by abolishing the whole of the labour-rents at one sweep, leaving to his successors the task of providing the substitute. No sooner was this proposition laid on the table of the Lower House than rumours were circulated of the *rising* of the peasants, and the bill was hastily passed under the joint influence of the terrorism exercised

\* Art. II. recites: "Proque stabilienda in omnem casum etiam *contra vim externam*, cum vicinis regnis et provinciis hæreditariis *unione*, et conservanda domestica tranquillitate."

by the galleries and the alarm of an impending Jacquerie. An extraordinary evening sitting of the Upper House was thereupon summoned, where but few of its members appeared, as it had been announced in the morning that the House would not meet again till the following day. It will hardly be credited that a House of not more than twenty-five to thirty members was called upon to decide a question off hand which involved the confiscation of half the property in Hungary. In vain did the Chief Justice propose the adjournment of the discussion; in vain was the bill contested paragraph by paragraph, and full powers offered to the Minister to put down any insurrectionary movements. The bill which the Lower House had sent up was carried,\* and copies of it were at once sent off to Pesth with a deputation charged to distribute it in all directions. The sanction of the Crown was thus forestalled, as it were, and the reconsideration of the measure rendered impossible.

#### THE REVOLUTION AND ITS PHASES.

The revolution divides itself into three very distinct periods. The first, which comprised the address and the laws of April, had acquired a sort of *post factum* validity, though the assent of the Crown could hardly be held to cure the illegal origin of laws to which the consent of *the country* in its congregations had never been obtained. The second period commences with the opening of the new Diet at Pesth, in June, 1848, and concludes with the migration of the Committee of Defence after the dissolution of the Diet to Debreczin (January, 1849). The third period was a state of open and undisguised rebellion, and includes the deposition of the House of Hapsburg-Lorraine (April 14, 1849).

The circumstance which produced at last an open rupture between the King and the new Ministry was the refusal of the Crown in August, 1848, to sanction two laws: one for the esta-

\* A bill of M. Lonyay's to *enforce a commutation*, which had passed the Lower House in December, 1847, had been rejected in the Upper House on the motion of Baron Vay on February 3rd, 1848. The *Abolition-bill*, which was now carried, was brought in and passed through both Houses in the short space of twelve hours on March 18th, 1848, under the auspices of the new Minister-President, Batthyányi. It became law on April 11th, 1848.



ishment of a separate army;\* the other for the issue of twenty millions of paper florins. The Batthyányi-Kossuth cabinet had thereupon resigned. The Diet meanwhile authorized M. Kossuth, who did not hesitate to resume his post at *its* request, to put both these measures into execution, precisely as if they had become law, in direct violation of the 4th Article of the New Constitution, which made the sanction of the Crown a necessary condition; and certainly no Minister of Finance ever made bolder use of paper money than M. Kossuth. His letter from Szegedin, written at a late period of the war, July 16, 1849, to General Bem, might almost seem to have been composed with the faith of a man, who was totally unaware of the atrocious fraud which he was hourly perpetrating on a simple peasantry, were it not that a decree had been issued at an early period by M. Szemere, enforcing the circulation of the Kossuth notes under the penalty of death.

“I beg of you to have a little patience. I repeat that I am not a God. I can die for the country, but I have not the gift of creating. In three days the presses will be in order, and then I will send to your cashier 200,000 florins a-week. You demand 800,000 florins in pieces of 30 and 15 kreutzers. I beg of you to remark that, as we only work with 20 hand-presses, it would take 33 days’ labour to produce that sum, which is only the tenth of our monthly expenses.”

The events which shortly afterwards led to the massacre of Count Lamberg, cannot be altogether passed over. A collision was at this time almost inevitable between the Croatian and Hungarian armies; and the Crown, which had hitherto been content (in accordance with its old traditional policy) to mediate in the quarrels of its subjects without associating itself with either party, determined at last to adopt a more energetic policy, and appointed Count Lamberg generalissimo of all the troops in Hungary and the dependent kingdoms, in order to prevent the possibility of a conflict. The effect of his mission would have been, if anything, unfavourable to the Ban, for it would have checked him in his career, and at once rescued the revolutionary party at Pesth from imminent danger. Count Lamberg accordingly set out for Pesth

\* A levy of 200,000 men was decreed; they were termed ‘Honved,’ or ‘Defenders of the Country,’ and were quite a distinct force from the national yeomanry, or Insurrection, which the king alone could summon into the field.

on his mission of mediation, carrying with him a manifesto addressed by the King himself to "his people of Hungary,"\* which was found upon the Count's person after his death. It is true that his appointment was not countersigned by any responsible Hungarian minister; but the Batthyányi-Kossuth Cabinet had shortly before resigned — Batthyányi, who had been commissioned to form a new Ministry, had not completed his task — and Lamberg had not as yet proceeded to a single act by virtue of the King's appointment: on the contrary, he came expressly to Pesth to obtain the counter-signature of Batthyányi, and that counter-signature would have been readily given, if the declarations subsequently published by Batthyányi himself in the *Allgemeine Oesterreichisch Zeitung* are to be believed. But it is not quite clear why Batthyányi, who was aware of Count Lamberg's mission, withdrew from Pesth on the 27th September, and so gave the Diet an opportunity to declare his mission illegal because his appointment was not properly countersigned. That declaration most assuredly paved the way to the murder of the King's Commissioner on the 28th; and it is impossible to assent to the Hungarian manifesto, where it states that "Count Lamberg's death should be considered as a fact in itself." The Diet must accept the responsibility of initiating the outrage; and it certainly failed to seize the occasion to repudiate the sanguinary sentiment of M. Irényi, when he described it in the Lower House as "a mere mistake of form."

Upon the murder of Count Lamberg, Batthyányi, Eötvös, and even the Baron Wesselényi, the O'Connell of Transylvania, as he has been termed, left the country. It would have been happy for the chief of the late ministry, if he had firmly persisted in acting upon his own convictions as to the tendency of the course to which the Diet henceforth stood committed. The party of M. Kossuth now constituted themselves a standing Committee of National Defence with the sanction of the Diet, and assumed the reins of government. The Baron Vay, on the other hand, was called by the King from Transylvania to form a new Ministry, and, until

\* This manifesto, which attracted considerable attention by its tone, is published in the authorized 'Collection of Manifestos and Proclamations for Hungary.' Ofen, 1849.

his arrival, Baron Recsey was charged with the functions of *interim* Prime Minister. It would have been suicidal for the Crown to temporise any longer with the revolution, and accordingly the Diet was dissolved (Oct. 3rd) by a Royal Ordinance, and the Ban appointed to take the command of all the King's forces in Hungary. Both these ordinances were countersigned by Baron Recsey. It has been said that the appointment of Baron Recsey was not legal in point of form, as the Prime Minister, according to the new law of April, 1848, ought to have been nominated, in the absence of the King, by the Palatine-Viceroy, subject to the ratification of the King. But at this time there was no Palatine:—the Archduke Stephen had resigned; the Ministry likewise had resigned; and according to this doctrine, no government could have been formed until the election of a new Palatine, which in its turn had become impossible in the absence of a ministry to propose to the Diet candidates for election to that office!

The barbarous murder of the Imperial Minister of War at Vienna, which was almost immediately consequent, is connected with this page of the Hungarian revolution. The Diet at Vienna had formally refused, after a lengthened discussion, to receive the Deputation from the Hungarian Diet. It had subsequently, when the question of the intercepted correspondence between the Ban and the Austrian Minister at War was brought forward and debated in the Constituent Assembly, declared itself, by an almost unanimous vote, fully satisfied with the explanation furnished by Count Latour. It is thus clear that there was no constitutional cause of dissatisfaction at Vienna against the Minister of War: the insurrection therefore of the 6th of October was as much directed against the Diet elected by universal suffrage as against the Government, and consequently was a purely anarchical movement. What degree of foreign influence may have directed its course of proceeding is still obscure; but thus much is certain, that after its success, the chief demands of its leaders insisted upon the revocation of the Ordinance appointing Jellachich, which did not concern Austria at all. Further, amongst the papers officially published by the Austrian Government, and printed in the *Wiener Zeitung*, there were three letters addressed by M. Kossuth's acknowledged agent at Vienna to General Messen-

hauser and others, promising the support of the Hungarian arms to the revolutionary cause. If this was not an overt act of treason against the King of Hungary, it was at all events a proximate act of hostility against the Emperor.

#### INVASION OF THE AUSTRIAN TERRITORY AND BATTLE OF SCHWECHAT.

But there was still some hesitation in the councils of the Hungarians. The insurrection at Vienna had been put down by Prince Windischgrätz. Their army had meanwhile advanced towards the frontier, and now stood at Parendorf. Its commander, General Moga, and the chiefs of his staff, were averse to cross the frontier. They were fully alive to the perilous consequences of an aggressive movement against Austria, and their convictions were shared by Pázmándy, the Speaker of the Lower House, and other influential persons; but M. Kossuth arrived at the camp on the 24th of October, and decided a council of war in favour of an immediate advance upon Vienna.\* The Leytha, the Rubicon of Hungary, was accordingly passed on the 27th; and the battle of Schwechat, which was fought on Austrian ground on the 30th, and proved disastrous to the Hungarian arms, gave a new phase to the contest, and engrafted an international war upon a contest for political mastery.

#### ABDICATION OF FERDINAND AND ACCESSION OF FRANCIS JOSEPH I.

Preparations for a decisive struggle now commenced on both sides, and the result was the winter campaign of Prince Windischgrätz and his advance upon Pesth, which he entered in the beginning of January, 1849. M. Kossuth and the Committee of Defence thereupon withdrew beyond the Theiss, having vainly endeavoured to make terms with the Imperial General. Meanwhile the Emperor Ferdinand, who had been driven a second time from his imperial residence, after granting nearly every demand which

\* M. Kossuth's main argument seems to have been that a victory would decide the fate of the *Austrian monarchy and all Germany*, whilst a defeat would only stimulate the Hungarian nation to further sacrifices!



his subjects had submitted to him, whose old and faithful Minister of War had been murdered almost under his eyes, and who had witnessed a civil war raging close to his capital, had abdicated his crown (Dec. 2, 1848), which had become to his gentle nature a crown of thorns. The immediate heir of the throne, the Archduke Francis Charles, at once imitated his example, and the crown thereupon passed over to the next heir, who, notwithstanding his youth, had been so popular in Hungary in 1847, that M. Kossuth himself, before the abdication of Ferdinand, had actually suggested, as a measure of compromise, that he should be declared Co-Regent of Hungary.

It has been sought to maintain the position that the abdication of Ferdinand was not a legal act, and that his successor is "no more than a foreign pretender" to the throne of Hungary. The language of the manifesto published in the name of the Hungarian Government is clear upon this head :—

"According to the terms of the Hungarian Constitution, the consent of the nation is necessary to release the King from the duties *attached to the possession of the throne*. It is the nation represented by the Diet which appoints a Government when the *reigning* King is no longer competent to fulfil the duties of sovereignty. The Hungarian Diet has not however been consulted by the *abdicating* King; and under what circumstances have they refused to consult the Diet?—When Ferdinand, in giving the Crown to a prince who was not the *direct* heir, changed the *order of succession* to the throne, a change which is never effected even in absolute countries by virtue of the royal will alone. The Hungarian Diet, therefore, was strictly within the limits of its right, in declaring Ferdinand's decrees for this purpose null and void."

The false reasoning which pervades the above passage is transparent. It is one thing for a king to remain in possession of a throne; it is another for him to abdicate: it is one thing for a Diet to legislate when a prince incompetent to fulfil the duties of sovereignty continues to hold the throne; it is another for it to be consulted when he resigns. It may be perfectly true that the laws of Hungary have provided for the emergency of a Regency. The Palatine, for instance, is, *ex officio*, Regent of the Kingdom. It does not however follow that the Diet has esta-

blished any form of abdication, and all inquiry after any such form has been fruitless. Again, the order of succession cannot be said to be changed, when the heir presumptive waives his title in favour of his own son, the next in the legitimate order of succession, as established by the Pragmatic Sanction and confirmed by the Diet of 1723 (*supra*, p. 52). But the same manifesto goes on to state that,—

“ According to the terms of the constitution, the right of the sovereignty in Hungary rests upon a reciprocal treaty concluded between the people and the sovereign—a treaty by which the latter only receives the crown in exchange for his *oaths to observe the laws*. Thus *the act of coronation alone* confers the title and capacity of King in Hungary. The Emperor Francis Joseph, claiming Hungary in the name of the rights that he pretends to hold from his uncle, and without having concluded with the Hungarian people the compact which alone confers the crown, is no more than a foreign pretender undertaking the conquest of a free and independent country.”

Now the form of the coronation-oath is contained in the Decree of 1715, and the substance of the oath was, that the king would observe the ancient laws and customs of the country, and would maintain the privileges of the nobles in strict accordance with the *decrees of Andreas II*. The Act of Settlement of 1723, which regulated the succession according to the Pragmatic Sanction, refers specifically to this oath as the form to be observed by the successors of Charles VI. There is no doubt, that an uncrowned king did not enjoy all the privileges under the ancient constitution which the acceptance of the crown of St. Stephen conveyed (*supra*, p. 44), but the ancient constitution itself was abolished, and the laws which the coronation-oath bound the king to observe, were no longer recognized by the authors of the manifesto. Joseph II. had refused to take this very coronation-oath because he would not oblige himself to maintain the ancient constitution. It is strange to contend that the oath is still to be taken, although the ancient constitution has itself been abolished!

The parties who did not consider the compact implied in the coronation-oath binding upon King Ferdinand, so as to preclude him from lawfully consenting to the abolition of the ancient constitution, are singularly inconsistent in maintaining that his suc-

cessor has no title until he has ratified "the reciprocal treaty," which it is no longer in his power to enter into, if the act of his predecessor is binding upon him. The first article of the Decree of 1723 is decisive the other way, that the legitimate heir of the House of Austria is by the same hereditary right indefeasible King of Hungary, and entitled to be crowned as such (*supra*, p. 52). As to the *act of coronation*, it seems to be a double mockery to carry off the crown of St. Stephen, and then gravely insist upon the king's title being incomplete without it.

#### DISSENSIONS AMONGST THE HUNGARIAN LEADERS.

The Committee of Defence had no sooner abandoned Pesth than it became evident that there was dissension in the Hungarian councils. General Görgey seems to have been the exponent of the ultra-independent feeling of the Magyar squirearchy, and he proclaimed at once on his arrival at Waitzen, that he was in arms for the laws of April, 1848, and the lawful king Ferdinand V., and that the army would defend the country independently of all other authority. M. Kossuth, on the other hand, and the Committee of Defence rather personified the *Juraten* or law-pleaders, a class of petty gentry peculiar to Hungary, who had a negative political position under the ancient constitution, and exhibited a democratic bias from the first days of the Revolution. This party had adopted the services of the Polish General Dembinsky, and declared him Commander-in-Chief of the Hungarian armies. They failed, however, to secure more than the temporary submission of Görgey. The latter, after the battle of Kapolna, deprived Dembinsky of his command, and M. Kossuth was for a time content to make the political subordinate to the military question, for Görgey's influence with the *hussars* was incontestable, and the fate of the revolution clearly depended upon the success of the main army under his command. The manœuvres of that army were most skilfully conducted; for although the Austrian generals maintained possession of the field on most occasions, the engagements being chiefly those of cavalry and artillery, as the Hungarian infantry seldom ventured out of the woods, yet they found themselves obliged to fall back upon Pesth to anticipate Görgey's ap-

parent intention of attacking the capital. The Austrians were now in hopes of Görgey accepting battle in the neighbourhood of Pesth, but Görgey confined himself to skirmishing with his artillery and cavalry, and in the mean time withdrew the greater part of his army over the hills.

When the result of this manœuvre was discovered, it was at once supposed that Görgey meant to strike a blow at Vienna, and he has been reproached for not having at once marched upon that city. But Görgey's approach to Comorn indirectly led to the defeat of any such object, if he ever seriously entertained the idea.\* The blockading corps round Comorn was obliged to break up, and it fell back towards Presburg, calling in its detachments as it retired. Besides, when General Welden left General Henzi in Buda on the 18th of April, it was expected that the Russian army would be in the field early in May, and that he would be enabled to return and relieve Henzi within three weeks. Had Görgey at that time marched upon Vienna, he would have acted much the same part as King Charles-Albert when he pushed forward the left wing of his army by Novara and Magenta upon Milan: he would have sacrificed the strategical to the political idea. He might have won Vienna, but he would have certainly lost Hungary. Besides, the capture of Vienna at that moment would have been little more than a *coup de théâtre*. The Emperor was at Olmütz. The armies of his ally were on their march: they had halted, it is true, to make their commissariat complete, but their columns were already directed upon Upper Hungary and Debreczin; and Görgey, if he had outmanœuvred General Welden at Presburg, would have had an Austrian army in his rear and a Russian army on his flank. It is true that Görgey's infantry was comparatively the flower of that branch of the Hungarian forces, but the Honved were essentially raw levies, a totally different class of men from the Hussars, and could not be safely relied upon to win a hard-fought battle in the open plains.

\* It is said that Görgey did entertain the idea of marching upon Vienna, until he received orders from Debreczin to detach 10,000 men against Buda, and take that fortress, *coûte qui coûte*.



## DEPOSITION OF THE HOUSE OF HAPSBURG-LORRAINE.

But the revolution itself had meanwhile entered upon a new phase. Almost simultaneously with the recall of Prince Windischgrätz, a declaration was issued from Debreczin (April 14, 1849), announcing that the House of Hapsburg-Lorraine was for ever excluded from the united thrones of Hungary and Transylvania, and proclaiming M. Kossuth Governor of Hungary. No special form of government seems to have been fixed, but M. Szemere, the right hand of M. Kossuth, and the Governor's Prime Minister, declared that he would not shrink from any consequences of the *Social and Democratic Republic*. Common prudence would have suggested the expediency of the party at Debreczin not avowing a policy so much at variance with the national feeling of the Hungarians. Perhaps the boundary had been already passed where the dictates of prudence might be listened to; but it is difficult to understand on what grounds M. Kossuth is not to accept the responsibility of his Minister's declaration. The explanations hitherto advanced by his friends are not in keeping with their professed opinion of his political capacity.

The promulgation of the Austrian constitution of the 4th of March has been alleged as an excuse for the declaration of Debreczin. It would seem more correct to speak of it as the occasion of the declaration, for the latter was the logical sequence of the measures upon which M. Kossuth embarked when he assumed the government against the King's authority in October, 1848. M. Kossuth undoubtedly intended to pledge the country not to make terms with the King, but the effect of the declaration was to strengthen the hands of the peace-party, and to constitute the Generals the sole powers with whom the King could henceforth negotiate.

After the Russian armies had once crossed the frontier, General Görgey seems to have been fully aware that "the game was up," according to the language of his letter to General Rüdiger. Meanwhile he kept his army in the neighbourhood of Comorn, with the view apparently of making that citadel the basis of offensive operations, if an opportunity for them should present itself, at the same time that its walls would afford him shelter

against any overwhelming force. M. Kossuth and the Government were now at Pesth, having been obliged to retire from Debreczin before the advance of Marshal Paskiewitch; but they could not remain there long, as the Russian division under General Paniutin effected, by the 25th of June, its junction with General Haynau, and the Austrians at last resumed the offensive. The battle of Raab, which followed on the 26th, and in which the united Austro-Russian army succeeded in outflanking Görgey, may be considered to have *morally* decided the result, although the struggle was kept up for six weeks longer.

### THE CONCLUSION OF THE WAR.

The battle of Raab has just been spoken of as conclusive of the fate of the campaign, for the Hungarians there came into conflict with the Russian infantry, and were compelled to retreat before it. It was idle therefore to suppose that Görgey could venture to confront the main army of Paskiewitch in the plains of the Upper Theiss; besides, it was clearly the game of the Hungarians to exhaust, if possible, the Russian commissariat, as no supplies could be obtained by the invading army in Hungary itself. Two plans accordingly presented themselves. Görgey might either establish himself amongst the mountains of Upper Hungary, which Paskiewitch seems most to have apprehended, in which case, with Comorn as a *point d'appui*, he might have maintained a long defence; or he might cross the Danube and march southward, adopting a Scythian mode of warfare, which the Austrians appear principally to have feared, and availing himself of the resources of a country which had hitherto suffered comparatively little from the ravages of war. Görgey determined on the latter course, which would probably have diverted the Austrian Generals from executing their preconceived plan of combined operations with the main Russian army; and if he could but have succeeded in outmanœuvring his pursuers, he might have effected unexpectedly a junction with the southern Hungarian army between the Theiss and the Danube, and so have come into action with advantage against the advanced detachments of the enemy. M. Kossuth, on the other hand, and

his Council took a different view, and sent orders to Görgey to join the divisions of Dembinsky and Visoczsky on the north bank of the Danube, and give battle forthwith to the main army of Paskiewitch. Görgey, however, declined to sacrifice himself and his army to these orders; and M. Kossuth accordingly proceeded to deprive him of the chief command, and with this object dispatched Meszaros and Dembinsky to Comorn to supersede him; but Görgey had meanwhile repulsed, on the 2nd of July, a combined attack of the Austrians and Russians, and it was hardly an opportune moment for the civil authority to step in and deprive the army of a chief on whom it doated, and who was for the moment disabled by a wound which he had received in leading it on to the assault. The two Generals accordingly thought it advisable to abandon their mission and return to Pesth. It has been said that they were unable to penetrate through the positions which the Russians occupied on the north and the Austrians on the south bank of the Danube, and that for that reason they renounced their mission. Thus much is certain, that the conduct of the Provisional Government on this occasion provoked a declaration from Görgey's officers that they would serve under no other commander-in-chief.

Görgey now proceeded to execute his plan of crossing the Danube, and breaking through the enemy's lines on the southern bank; but the action of the 11th July \* was conclusively fatal to his design, as he was repulsed, after a hard day's fight, by the Austrians and Russians, and was obliged to abandon all hope of forcing a passage in that direction. He thereupon left a strong garrison in Comorn, as the fortress was likely to be completely enveloped by the besieging forces, and he suddenly made his appearance with the bulk of his army (44,000 men) at Waitzen. Here indeed he succeeded in driving back the advanced guard of the Russians under General Sass, according to the Hungarian accounts; but he found it impracticable to force a passage through Paskiewitch's centre, owing to its overwhelming superiority of

\* The battle of July 11th *physically* decided the war, although that of Temeswar was required to settle it. The notices of the campaign are at present fragmentary, and chiefly from Hungarian sources, but a complete account of the operations of each army-corps is reported to be soon forthcoming.

numbers. He thereupon determined on executing his extraordinary march by a route unobserved by the Russians, through Losoncz and Tokay to Debreczin, and thence to Grosswardein and Arad, where he arrived on the 10th of August, with his troops in a most exhausted state. They had accomplished nearly four hundred miles in twenty-five days, and sustained three severe rear-guard combats at Waitzen, Miskolcz, and Gesthely, before they disappeared beyond Tokay; and their vanguard, on the 10th, had come into conflict with General Schlick's corps as it was debouching not far from Arad, and was obliged to fall back with great loss upon that fortress.

Meanwhile M. Kossuth and his Ministers had begun to appreciate the reality of their situation, when they saw the whole of Upper Hungary in the possession of the allied army, and the war concentrated beyond the Theiss. The intended effect of Görgey's last manœuvres to place himself in communication with the southern army had been baffled by the prompt and skilful advance of General Haynau upon Szegedin; and a series of disastrous engagements had clearly intimated to the Provisional Government, that their career was drawing to a close. At last (August 11th) M. Kossuth abdicated his post of Governor, and the supreme authority was transferred to General Görgey. It is clear beyond a doubt that the Provisional Government admitted, on its resignation, that they had no further hope of bringing the war to a successful issue. M. Kossuth, in his proclamation to the nation, announced for himself, and in the name of all his Ministers, that they had laid down the reins of government, having "no longer any hope of carrying on the war with success against the great force which the allied Austrians and Russians had brought into the field." If M. Kossuth was not sincere in this statement, to what motive are we to attribute his abdication at so critical a moment? But already before M. Kossuth's retirement, Dembinsky had been defeated at Szäreg, Bem had lost a battle at Maros-Vasarhely, and both these Generals had been routed at Temeswar. The remains of the southern army had then fallen back on Lugos, where, with the exception of Vecsey's corps, they were found by M. Kossuth himself in a state of complete disorganization, and where Desewffy and Kmety reported to



him that their troops "would fight no longer, but would disperse like chaff at the first shot." To complete the picture, it may be added that this army was at that time utterly destitute of provisions.

The battle of Temeswar, which put the seal to General Haynau's successful advance, was fought on the 9th of August. The Austrians then pressed forward towards Arad, where Schlick, as already stated, came into conflict with Görgey's vanguard, whilst the main army of the Russians was rapidly approaching from the north. Görgey thereupon took the road by Radna to the Maros, intending to effect a junction with the army at Lugos; but Haynau, anticipating his movement, dispatched an Austrian column to Lippa, which drove back Görgey's vanguard, that had just come up, beyond the river, and forced it to set fire to the bridge to secure its retreat. There thus remained no outlet for Görgey in that direction, and he had no line of escape open to him into Transylvania, where he would still have had to encounter further enemies in the Russian corps of Lüders and the Austrian corps of Clam-Gallas. A moment of success might have prolonged the struggle for a few days, but it would have entailed a wanton sacrifice of life. Görgey thereupon determined to capitulate, and with the remains of his army (25,000 men) surrendered to the Russian division of General Rüdiger on the 13th of August, at Vilagos. His motives are best explained in the words of his letter addressed immediately after the event to General Klapka at Comorn:—

"I am a Hungarian, and love my country above everything else. I have hearkened to the voice of my heart, and the inborn yearning to procure for my poor and broken country that peace of which it stands so much in need, and thus to save it from total destruction. General! this was the motive for my conduct at Vilagos. Posterity will pronounce its judgment."

An impartial review of these events leads to no other conclusion than that Görgey's capitulation had become a moral necessity. The dangers which the allied army of the Austrians and Russians had to fear throughout the campaign were those of the *march*, not of the *field*; but the Hungarians themselves had latterly been obliged to have recourse to forced requisitions—"a miserable ex-

pedient," to use M. Kossuth's own words, " which made the people hate them," so that the perils of the road began to press upon them more heavily precisely as they became less able to avoid the dangers of the field. It was a singular coincidence that the battle which decided the fate of the southern army was fought in the district where the first shot of the whole war is said to have been fired, and almost within sight of the citadel of Temeswar, on which the King's standard had never ceased to float. The successful defence of Temeswar is perhaps one of the most glorious feats in the annals of European warfare. The garrison obstinately refused to surrender, although on the hundredth day of the siege, when the cellars were no longer safe from the bombs of the besiegers, and cholera was carrying off 150 victims daily, Count Vecsey, the besieging General, proposed most honourable terms of capitulation to the commandant of the fortress. On the very next day, the distant booming of artillery announced for the first time the neighbourhood of a friendly force; but it was not until the hundred and seventh evening of the siege that General Haynau, after his victory at Kis Beckskerek, rode into the town, and announced to General Rukowina, a grey-haired veteran of eighty, that he was relieved. Full time it was that relief to that gallant old man should arrive, for the garrison, which had amounted to 8659 men at the commencement of the siege—of whom 1500 were Magyars, who behaved with the most unflinching fidelity—could at last only muster 1621 men capable of bearing arms. The defence of Temeswar was nearly equalled in devotedness by the defence of Arad;\* it was hardly surpassed in heroism by that of Buda.

It is a remarkable circumstance that the civil chiefs of the revolution seem never to have fully appreciated the military difficulties of General Görgey's position, whilst they were feelingly alive to the political difficulties of their own situation, as evinced by their abdication; but it might have been expected that a retrospective survey would have satisfied them that the cause of

\* General Berger held out Arad during nearly nine months, until, relief being utterly hopeless, he surrendered to famine on July 1, 1849. Buda was stormed on the 21st of May by Görgey, after a siege of seventeen days. Its commander, General Henzi, and more than 2000 out of a garrison of 4300 men, died upon the walls.

the revolution was not abandoned until it had become irretrievable. Such, however, has not proved to be the case; and M. Kossuth has not hesitated to announce to his political agents in England and France, in a manifesto of 12th September, 1849, from Widdin, that Hungary “fell a sacrifice not to the superior power of the enemy, but to base treachery; that he (Kossuth) had raised Görgey from the dust, in order that he might win imperishable renown for himself and freedom for his fatherland, whereas he had become Hungary’s dastardly hangman” (henker)! It is difficult to understand how M. Kossuth can have ventured to draw so largely upon the credulity of Western Europe. His assertions indeed have induced the writer of these remarks to study with more care than he otherwise should have done the conduct of General Görgey throughout the war, and his relations with the Provisional Government; and he has been led to the conclusion that the facts would rather warrant the historian to say of Görgey, “Vicit ergo Hannibalem non populus Romanus toties cæsus fugatusque, sed Senatus Carthaginiensis obtrectatione et invidiâ.” The mortification of exile and imprisonment may possibly account for such odious incriminations, and for such an exaggeration of the Magyar practice of recording a *protest* after defeat.

### THE EUROPEAN QUESTION.

Let us now inquire what was the European significance of this war. It has been said that the dethronement of the House of Hapsburg-Lorraine, and the dismemberment of the Empire, had become a necessity for Hungary, as well as for the other countries under the Imperial sceptre, and that the general interests of Europe demanded the establishment of an independent Hungary, and, as a corollary of this, an independent Poland, and an independent Illyrian kingdom, which should comprise all the Slavonic races between the Danube and the Adriatic. States, however, like Poland, which have perished by a process of internal decay, can never be recalled to life. Napoleon was loath to renounce the task; but on his return to Paris, after the campaign of 1807, he thus expressed himself to a living French statesman:—

“ Ne croyez-vous pas que j’aurais rétabli la Pologne, si j’en avais vu la possibilité, mais on ne rétablit point un pays qui s’est perdu de cette manière pitoyable : à moins,” he added, “ que les causes de sa dissolution ont été changées depuis.” The facts of history are further opposed, in many respects, to the possibility of such a political combination; and the tendency of Hungary herself, at different epochs and under different conditions, to renounce the state of isolation to which the success of the ultra-Magyar ideas would have condemned her, is too remarkable to be overlooked. It suggests a presumption of some necessity founded on her geographical requirements, which she has endeavoured instinctively to obey. During the reigns of the twelve monarchs of the mixed period, who intervened between the last male prince of the race of Arpad and Ferdinand of Hapsburg, the Crown of Hungary was invariably united with a second or even a third Crown, except in the solitary instance of Matthias Corvinus, who made every effort, though in vain, to accomplish the very union which the House of Austria subsequently realised.

The reason of this is obvious. The countries which compose the Empire of the House of Austria have a common character, so far as they occupy the debateable ground between the Eastern and the Western nationalities of Europe. Hungary as well as Bohemia, Styria as well as the Tyrol, Carinthia as well as Moravia, are peopled with inhabitants of various races, which, if left to themselves, would struggle with one another for the mastery, without any one of them being sufficiently strong to control the others by superior physical force, or superior intellectual culture : but when they are united with other countries, in which the mixture of races, though analogous, is in different proportions, they mutually balance one another. The dissolution of the Austrian monarchy, on the plea of the incompatibility of its nationalities, would entail not merely a series of civil wars, but a warfare of extermination. The experience of events in the late Hungarian war ought to preclude scepticism on this head. In Transylvania the Wallachian peasantry rose against the Magyar proprietors. It was not merely a Jacquerie, as in Galicia—a war of class against class, but also a war of race against race, and the excesses of both



parties were terrible. Again, in the Banat, the granary of Hungary, the Serbs made war against the Magyars and Germans indiscriminately, whether they were the friends of the King or of the Magyar government, of order or of the revolution, and entire villages have disappeared before their ravages. If the political links which hold together the inheritance of the House of Austria are to be snapped asunder, and the dominion of a single race is to be substituted for the dominion of a common interest, it will be found that there is no nationality sufficiently strong to impose its supremacy on its neighbours. If we turn to the Magyar nationality, we find it compact, full of political strength and experience, but too feeble in point of numbers, and not sufficiently advanced in general culture. Hence M. Wesselényi, in his pamphlet entitled 'Szozat' (A Voice), and even M. Kossuth himself, frequently declared the necessity of fortifying the Magyar with the German element. If we look to the German nationality, we find it highly civilised, but certainly in the rear as respects political life, and numerically too weak. If we regard the Sclavonic nationalities, we find them fragmentary and dispersed, separated at great intervals from one another, rich perhaps in the promise of future years, but not as yet ripe in the qualities which fit nations for actual sovereignty. With such results apparent on the surface of things, it would be a rash venture to cast the vessel adrift, and embark on a sea without a haven. But though many modifications may be in store for a state composed of such varied elements as the Austrian monarchy, though many changes may take place in her centre of equilibrium, according to the development of the constituent parts of that monarchy, thus much is certain, that, if they are to prove permanent and beneficial, they will be the result of slow growth and gradual transformation, not of arbitrary caprice or violent convulsion. The friends of Hungary rejoiced a few years ago at the rapid yet steady advancement of her material prosperity; they began to believe that a youthful state was growing up in the valley of the Danube, which in time would rival, if not outshine, her imperial sister. But in a moment of impatience the Magyar race overshot its mark. It sought to realise in a day that which could only be achieved with safety in

the course of years, and it became the dupe of an enthusiast, whose system was without a basis, whose ability as a statesman was totally unequal to the task upon which he ventured, but whose talents for political agitation, and power of fanaticising the masses by his eloquence, have, unhappily for the welfare of a high-spirited and brave people, been rarely, if ever, surpassed.

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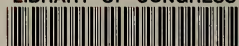








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